

THE 2
Statutes at Large

Concerning

ELECTIONS

OF

MEMBERS

To serve in the
England. — Laws & Statutes. — III
House of Commons; Elections

Containing

A compleat Collection of all the Acts of
Parliament now in force, which relate
thereto, continued to the End of the
last Session of Parliament, 1734.

L O N D O N,

Printed by JOHN BASKETT, Printer to the King's
most Excellent Majesty,

And sold by him, and JOHN STAGG in *Westminster-*
Hall. 1734.

Just Published.

LEX *Parliamentaria*: or, a Treatise of the Law and Custom of Parliaments. Shewing their Antiquity, Names, Kinds, and Qualities.

Of the three Estates; and of the Dignity and Excellency of Parliaments, their Power and Authority.

Of the Election of Members of the House of Commons in general, their Privilege, Qualifications, and Duties.

Of the Electors; and their Rights, Duties; and Manner of Elections.

Of the Returns to Parliament; the Sheriff's and other Officers Duty therein.

Of the Manner of Election of the Speaker; and of his Business and Duty.

Of the Manner of passing Bills, and the Orders to be observed in the House of Commons.

Of Sessions of Parliament; as also of Prorogations and Adjournments: Together with the proper Laws and Customs of Parliaments.

With an Appendix of a Case in Parliament between Sir *Francis Goodwyn* and Sir *John Fortescue*, for the Knights Place for the County of *Bucks*,
1 Jac. 1.

L O N D O N.

Printed for J. STAGG, in *Westminster-Hall*.





THE PREFACE.



THE Time appointed by Law for the calling of a new Parliament drawing near, it is hoped the following Collection of all the Statutes now in force concerning such Elections will not be unacceptable to the Publick; in which the very Words of the several Acts are printed at large.

Indeed only the enacting Parts of such Statutes are here set down,

The *PREFACE*.

and that so far as relateth immediately to Elections ; but this was done designedly, to reduce the whole into a narrow Compass. So that the Reader hath here a complete yet compendious View of all the Acts made for the regulating Elections, and preventing Abuses therein, digested under the proper Heads, of the Duties and Qualifications of *the Electors*, the Persons *elected*, and the *Returning Officers* : wherein the exact chronological Order, according to the different Times in which they were made, is every where carefully preserved. By this Means the Reader is not only freed from the Trouble which must necessarily attend the turning over the Statute Books, in order to acquaint himself fully with the Laws concerning Elections, but also

The *P R E F A C E*.

so may do it at a very small Expence.

And although this Method could not be pursued without some Repetitions, yet we hope they are such as will appear to the judicious Reader to have been absolutely necessary, in order to preserve the regular Method used throughout this Collection.

The Acts relating to the calling or frequency of Parliaments, or to the Privileges of Members, either as to their Persons, or with regard to Suits in Law, are entirely omitted, as not falling under the Design of this Book. But where any thing in former Statutes hath been repealed by subsequent Acts, as particularly the Oaths to be taken by the several Members; or where it was necessary to add a few Words to preserve the Connexion, this is

A 3

always

The *P R E F A C E*.

always done in a different Letter from that in which the Statutes themselves are printed.

The Summary Notes in the Margin may serve to explain and illustrate the Text; and the alphabetical Index will direct the Reader to turn readily to any case concerning Elections, in which he may desire Information.



THE
LAW
OF
ELECTIONS.

Of the Electors.

Magna Charta.

9 H. III. — *Confirm'd* 28 E. I. ch. 9.

THE City of *London* shall have all the old Liberties and Customs which it hath been used to have. Moreover, We Will and Grant, That all other Cities, Boroughs, Towns, and the Barons of the Five Ports, and all other Ports, shall have all their Liberties and free Customs.

*Of the Electors.**Stat. 34 Ed. I. ch. 1.*

No Tallage or Aid shall be taken or levied by Us or Our Heirs in Our Realm, without the Good-will and Assent of Archbishops, Bishops, Earls, Barons, Knights, Burgeses, and other Freemen of the Land.

Chap. 4.

We Will and Grant for Us and Our Heirs, That all Clerks and Laymen of Our Land shall have their Laws, Liberties, and free Customs, as largely and wholly, as they have used to have the same at any time when they had them best: And if any Statutes have been made by Us or our Ancestors, or any Customs brought in contrary to them, or any manner of Article contained in this present Charter, We Will and Grant that such manner of Statutes and Customs shall be void and frustrate for evermore.

Stat. 7 H. IV. ch. 15.

Electors to attend to elect Knights of the Shires on Pro.

Ordained, &c. That from henceforth (in order to the Elections of Knights of the Counties for the Parliament) **at the next**

Of the Electors.

3

next County to be holden after the
 delivery of the Writ of the Parlia-
 ment, Proclamation shall be made in
 the full County of the Day and Place
 of the Parliament, and that all they
 that be there present, as well Suitors
 duly summoned for the same Cause,
 as other, shall attend to the Election
 of Knights for the Parliament, and
 then in the full County they shall pro-
 ceed to the Election fairly and indis-
 ferently, notwithstanding any Request
 or Commandment to the contrary.

England.

Proclamation to be made at the next County-Court after the Delivery of the Writ to the Sheriff, and to proceed to the Election freely.

And after that they be chosen, the
 Names of the Persons so chosen (be
 they present or absent) shall be written
 in an Indenture under the Seals of
 all them that did choose them, & tack-
 ed to the same Writ of Parliament ;
 which Indenture so sealed and tacked,
 shall be holden for the Sheriff's Re-
 turn of the said Writ touching the
 Knights of the Shire.

Electors after the Election to seal an Indenture containing the Names of the Persons chosen, which annex'd to the Writ to be the Sheriff's Return

Stat. 1 H. V. ch. 1.

That the Knights and Esquires,
 and other which shall be Choosers of
 Knights of the Shires, be resident
 within the same Shires the Day of
 the Date of the Writ of Summons of Par-
 liament.

Electors of Knights of the Shires to be resident in the same Shires at the date of the Writ.

*Of the Electors.**Stat. 8 H. VI. ch. 7.*

Electors of
Knights of the
Shire to be such
as reside within
the same Coun-
try, and having
Lands or Tene-
ments of 40 s.
a Year Estate
above all
Charges.

An Indenture
to be made be-
tween the E-
lectors and She-
riffs, shall be
the Return.
None to elect
that cannot ex-
pend 40 s. by
the Year.

Provided, &c. That the Knights of the Shires to be chosen within the Realm of England to come to the Parliaments of our Lord the King hereafter to be holden, shall be chosen in every County of the Realm of England by People dwelling and resident in the same Counties, whereof every one of them shall have Land or Tene-ment to the Value of 40 s. by the Year at the least, above all Charges; and shall be return'd by Indentures seal'd betwixt the said Sheriffs and the said Choosers so to be made.

He which cannot expend 40 s. by the Year, as aforesaid, shall in no wise be Chooser of the Knights for the Parli-ament.

Stat. 10 H. VI. ch. 2.

Electors of
Knights of the
Shires shall be
such as reside
within the
same, each hav-
ing Freehold of
40 s. a Year at
least, above all
Charges, in the
Counties they
elect for.

Ordained, &c. That the Knights of all Counties within the Realm (of England) to be chosen to come to Parliaments hereafter to be holden, shall be chosen in every County by People dwelling and resident in the same, whereof every Man shall have Freehold to the Value of 40 s. by the Year at the least, above all Charges, with-
in

Of the Electors.

5

England.

in the same County where any such
Chooser shall meddle of any such E-
lection.

Stat. 23 H. VI. ch. 15.

Ordained, &c. That every Sheriff, Citizens and
after the Delivery of any Writ (of Burgeses with-
Election) to him made, shall make and in Cities and
Boroughs, to e-
lect Citizens
and Burgeses of
the same, and
the Sheriff to
direct his Pre-
cept accord-
ingly.
Precept under his Seal to every
Mayor and Bailiff, &c. of the Cities
and Boroughs within his County,
commanding them by his Precept, if
it be a City, to Choose by Citizens of
the same City, Citizens; and in the
same manner and form if it be a Bo-
rough, by the Burgeses of the same,
to come to the Parliament.

Stat. 27 H. VIII. ch. 26.

Enacted, &c. That the Dominion of
Wales shall be, stand, and continue for
ever from henceforth incorporated,
united, and annexed to and with the
Realm of *England*; and that all and
singular Person and Persons, *born and*
to be born, in the said Principality, Coun-
try, or Dominion of *Wales*, shall have,
enjoy and inherit *all and singular Free-*
doms, Liberties, Rights, Privileges, and

Of the Electors.

Laws, *within this Realm*, and other the King's Dominions, as other the King's Subjects naturally born within the same, have, enjoy, and inherit.

The County of *Monmouth* to elect two Knights, and the Borough of *Monmouth* one Burgess, in like manner as other Shires and Boroughs of *England*.

Each County in *Wales*, and each Shire-Town of each County, (except the Shire-Town, of *Merioneth*) to elect one Knight, and one Burgess in like manner.

For all Parliaments to be holden and kept for this Realm, two Knights shall be chosen and elected to the same Parliament for the Shire of *Monmouth*, (heretofore part of *Wales*) and one Burgess for the Borough of *Monmouth*, in like Manner, Form, and Order, as Knights and Burgesses be elected and chosen in all other Shires of this Realm of *England*.

And that one Knight shall be chosen and elected to the same Parliaments for every of the Shires of *Brecknock*, *Radnor*, *Montgomery* and *Denbigh*, and for every other Shire within the said Country and Dominion of *Wales*, and for every Borough being a Shire-Town within the said Country or Dominion of *Wales* (except the Shire-Town of the County of *Merioneth*) one Burgess, and the Election to be in like manner, form, and order as Knights and Burgesses of the Parliament be elected and chosen in other Shires of this Realm.

Of the Electors.

7

England.

Stat. 34 & 35 H. VIII. ch. 13.

Enacted, &c. That the County Palatine of Chester shall have two Knights for the said County Palatine, and likewise two Citizens to be Burgeses for the City of Chester; the same Election to be made under like manner and form, to all Intents, Constructions, and Purposes, as is used within the County Palatine of Lancaster, or any other County and City within this Realm of England.

Stat. 35. H. VIII. ch. 11.

Enacted, &c. That the Burgeses of all and every Cities, Boroughs, & Towns (in the 12 Shires within Wales and County of Monmouth, not finding Burgeses for the Parliament themselves, and contributory to Wages of Burgeses of such Shire Towns) shall be lawfully admonished by Proclamation, or otherwise, by the Mayors, Bailiffs, and other Head Officers of the said Towns, or by one of them, to come and give their Elections for the Electing of the said Burgeses, at such time and place, lawful and reasonable, as shall be assigned for the same intent

The County Palatine of Chester to elect two Knights, and the City of Chester two Citizens, Burgeses in like manner.

Electors of Burgeses for the 12 Shire-Towns in Wales, and of Monmouth to be as well of Burgeses of all Cities, Boroughs, &c. in those Counties, and as of Burgeses of those Towns themselves, and summoned to such Elections by the Mayors, Bailiffs, &c. of the said Shire-Towns.

England.

intent by the said Mayors, Bailiffs, and other Head Officers of the said Shire-Towns, or by one of them, in which Elections the Burgesles shall have the like Voice and Authority to elect, name, and choose the Burgesles of every the said Shire-Towns, like, and in such manner, as the Burgesles of the said Shire-Towns have and use.

Stat. 25 C. II. ch. 9.

The County Palatine of *Durham* to elect two Knights, and the City of *Durham* two Citizens, Burgesles, by majority of Freeholders of the County present, and like Majority of the Mayor, Aldermen, and Freemen of the City present.

Enacted, &c. That the County Palatine of *Durham* may have two Knights for the same County, and the City of *Durham* two Citizens to be Burgesles for the same City, for ever hereafter to serve in the High Court of Parliament, the same Election from time to time to be made in manner and form following (that is to say) the Elections of the Knights to serve for the said County Palatine, from time to time, to be made by the greater Number of the Freeholders of the said County Palatine of *Durham*, which from time to time shall be present at such Elections, accordingly as is used in other Counties of this Kingdom, and that the Election of the said Burgesles from time to time,

to

Of the Electors.

9

England.

to serve in the High Court of Parliament for the City of Durham, to be made, from time to time, by the major part of the Mayor, Aldermen, and Freemen of the said City of Durham, which from time to time shall be present at such Election.

Stat. 1 W. & M. Sess. 2. ch. 2.

[The Claim of Right.]

That the Election of Members of Parliament ought to be free.

Enacted accordingly.

Stat. 2 W. & M. ch. 7.

Enacted, &c. That all Nominations or Recommendations (claimed as of Right by the Lord Wardens of the Cinque-ports to each of the said Cinque-ports, two antient Towns, and their respective Members, of one Person whom the Electors ought to elect as a Baron or Member of Parliament for such respective Port, antient Town, or Member) were and are contrary to the Laws and Constitutions of this Realm, and for the future shall be so deemed and construed,

The Nominations on to Electors of one of the Barons of each Cinque port, the two antient Towns and their Members (claim'd by the Lord Warden) contrary to Law, and void.

Of the Electors.

construed, and hereby are declared to have been, and are void to all Intents and Purposes whatsoever, any Pretence to the contrary notwithstanding.

Stat. 5 W. & M. ch. 20.

No Collector, Supervisor, Gauger, or other Officer, or Person whatsoever concerned, or imployed in the charging, collecting, levying, or managing the Duties of Excise, or any Branch or Part thereof, shall by Word, Message or Writing, or in any other manner, endeavour to persuade any Elector to give, or dissuade any Elector from giving his Vote for the Choice of any Person to be a Knight of the Shire, Citizen, Burgess or Baron of any County, City, Borough or Cinque-port; and every Officer or other Person offending therein, shall forfeit the Sum of 100 l. one Moiety thereof to the Informer, the other to the Poor of the Parish, where such Offence shall be committed, to be recovered by any Person, that shall sue by Action of Debt, Bill, Plaint, or Information, in any of their Majesties Courts of Record at Westminster, in which no Essoign, Protection, Privilege, or Wager of Law, or more than one Impar lance shall be allowed; and every person convict on such Suit shall be for

Of the Electors.

II

for ever after incapacitated to bear any Office or Place of Trust under the Crown. England.

Stat. 7 & 8 W. III. ch. 25.

Enacted, &c. That upon every Election to be made of any Knight or Knights of the Shire (in case a Poll shall be required) every Freeholder, before he is admitted to poll at the same Election, shall, if required by the Candidates, or any of them, first take the Oath (in this Act contained, which see in the Appendix) and in case any Freeholder, or any other Person taking the said Oath, shall thereby commit wilful and corrupt Perjury, and be thereof convicted, he and they shall for every such Offence incur the like Pains and Penalties as are, in and by one Act of Parliament made in the fifth Year of the Reign of the late Queen Elizabeth, enacted, against all such who shall commit wilful Perjury contrary to the said Act.

Freeholder to be sworn before admitted to Poll, if so required by any Candidate.

Freeholders, or others committing Perjury, and convicted, for every Offence forfeit 20 l. have half a Year's Imprisonment, and be incapacitated to take an Oath till such Judgment reversed, and for want of 20 l. to have their Ears nailed to the Pillory, per Stat. 5 Eliz. cap. 9.

No Person or Persons shall be allowed to have any Vote in Election of Members to serve in Parliament for or by reason of any Trust Estate, or Mortgage, unless such Trustee or Mortgagee be in actual Possession or Receipt of the Rents and Profits of the Trust is.

Britain.

the same Estate, but that the Mortgage or Cestui qui trust in Possession, shall and may vote for the same Estate, notwithstanding such Mortgage or Trust. And that all Conveyances of any Messuages, Lands, Tenements, or Hereditaments in any County, City, Burrough, Town-Corporate, Port or Place, in order to multiply Votes declared void, and no more than one Vote to be admitted for one Tenement, shall be void and of none effect; and that no more than one single Voice shall be admitted for one and the same House or Tenement.

None to be an
Elector under
the Age of 21
Years.

No Person whatsoever being under the Age of 21 Years shall at any time hereafter be admitted to give his Voice for Election of any Member or Members to serve in Parliament.

Stat. 7 & 8 W. III. ch. 27.

Electors refusing to take the Oaths of Allegiance and Supremacy; or, being Quakers, to subscribe the Declaration of

No Person who shall refuse to take the Oaths (of Allegiance and Supremacy, which see in the Appendix) directed by an Act made in the first Year of the Reign of his present Majesty and the late Queen Mary, or being Quakers shall

Of the Electors.

13

Britain.

shall refuse to subscribe the Declaration of Fidelity directed by one other Act of Parliament made in the said first Year of the Reign of his present Majesty and the late Queen (which see also in the Appendix) (to be administred on the Poll by the Sheriff or Chief Officer, at the request of any Candidate) shall be admitted to give any Vote for the Election of any Knight of the Shire, Citizen, Burgess, or Baron of the Cinque-Ports, to serve in Parliament.

Fidelity, (to be administred by the Sheriff or chief Officer on the Poll at any Election, at the request of any Candidate) not to be admitted to vote.

Stat. 12 & 13 W. III. ch. 10.

No Commissioner, Collector, Comptroller, Searcher, or other Officer or Person concerned or employed in discharging, collecting, levying, or managing the Customs, or any Branch or Part thereof, shall by Word, Message, or Writing, or in any other manner, endeavour to persuade any Elector to give or dissuade any Elector from giving his Vote for the Choice of any Person to be a Knight of the Shire, Citizen, Burgess, or Baron of any County, City, Borough, or Cinque Port; And every Officer or other person offending therein, shall forfeit the Sum of 100 l. one Moiety to the Informer, the other Moiety to the Poor of the Parish where such Offence shall

Of the Electors.

be committed, to be recovered by any person that shall sue for the same by Action of Debt, Bill, Complaint, or Information in any of His Majesty's Courts of Record at Westminster; in which no Essoign, Protection, or Wager of Law, or more than one Impar lance, shall be allowed; and every person convicted on any such Suit shall be incapable ever to bear any Office or Place of Trust under the Crown.

Stat. 5 Annæ, ch. 8.

[The Union Act.]

FORTY five shall be the number of the Representatives of Scotland in the House of Commons of the Parliament of Great Britain.

Enacted accordingly.

Of the Forty five Representatives for Scotland, the Shires to choose Thirty, and the Royal Burghs Fifteen.

One for every Shire, except Bute and Caithness, which are to choose one by turns, Bute to have the first Election.

Of the said Forty five Representatives of Scotland in the House of Commons of the Parliament of Great Britain, Thirty shall be chosen by the Shires, and Fifteen by the Royal Burghs (as follows, viz.) one for every Shire and Steuartry, excepting the Shires of Bute and Caithness, which shall choose one by turns, Bute having the first Election; the Shires of Nairn and

Of the Electors.

15

and Cromarty, which shall also choose by turns, Nairn having the first Election ; and in like manner the Shires of Clackmannan and Kinross shall choose by turns, Clackmannan having the first Election ; and in case of the Death or legal Incapacity of any of the said Members from the respective Shires or Steuartries abovementioned to sit in the House of Commons, the Shire or Steuartry who elected the said Member shall elect another Member in his Place. And that the said Fifteen Representatives for the Royal Burghs shall be chosen as follows, viz. That the Town of Edinburgh shall have Right to elect and send one Member to the Parliament of Great Britain, and that each of the other Burghs shall elect a Commissioner in the same manner as usual to elect Commissioners to the Parliament of Scotland, which Commissioners & Burghs (Edinburgh excepted) being divided into fourteen Classes or Districts, shall meet at such time and Burghs within their respective Districts, as her Majesty, her Heirs or Successors shall appoint, and elect one for each District, (viz.) the Burghs of Kirkwall, Week, Dornock, Dingwall, and Tain, — one ;

Gr. Britain.

Nairn and Cromarty the like.

Clackmannan and Kinross the like.

In case of Death or legal Incapacity of any Member for a Shire, Election to be made by the Shire that chose last.

Of the Fifteen Representatives for the Royal Burghs, Edinburgh to choose one.

Each of the other Burghs to elect a Commissioner as usual to the Parliament of Scotland.

Such Commissioners & Burghs divided into 14 Districts, to meet at such time and Burghs within their respective Districts, as the Queen, &c. shall appoint, and choose one for each District.

Kirkwall, Week, Dornock, Dingwall, & Tain, — one.

Gr. Britain. one ; The Burghs of Fortrose, Inverness, Nairn, and Forreſs, one ; The Burghs of Elgin, Cullen, Bamff, Inverary, and Kintore, one ; The Burghs of Aberdeen, Inverbery, Montrose, Aberbrothock, & Brochine, one ; The Burghs of Forfar, Perth, Dundee, Coupar, and St. Andrews, one ; The Burghs of Craill, Kilrenny, Anstruther Easter, Anstruther Wester, and Pittenweem, one ; The Burghs of Dysart, Kirkaldie, Kinghorn, and Bruntisland, one ; The Burghs of Innerkethen, Dunfermline, Queensferry, Culroſs, and Sterling, one ; The Burghs of Glasgow, Renfrew, Ruglen, and Dumbarton, one ; The Burghs of Haddington, Dunbar, North-Berwick, Lauder and Jedburgh, one ; The Burghs of Selkirk, Peebles, Linlithgow, and Lanerk, one ; The Burghs of Dumfreis, Sanquhar, Annan, Lockmaben, and Kirkeudbright, one ; The Burghs of Wigtown, New Galloway, Stranraver, & Whitehorn, one ; and the Burghs of Air, Irwin, Rothſay, Cambletown, and Inverary one. And that

Fortrose, Inverness, Nairn, & Forreſs, one.
Elgin, Cullen, Bamff, Inverary, & Kintore, —one.
Aberdeen, Inverbery, Montrose, Aberbrothock, & Brochine, —one.
Forfar, Perth, Dundee, Coupar, & St. Andrews, —one.
Craill, Kilrenny, Anstruther Easter, Anstruther Wester, & Pittenweem, —one.
Dysart, Kirkaldie, Kinghorn, & Bruntisland, —one.
Innerkethen, Dunfermline, Queensferry, Culroſs, & Sterling, —one.
Glasgow, Renfrew, Ruglen, & Dumbarton, —one.
Haddington, Dunbar, North-Berwick, Lauder, & Jedburgh, —one.
Selkirk, Peebles, Linlithgow, & Lanerk, —one.
Dumfreis, Sanquhar, Annan, Lockmaben, & Kirkeudbright, —one.
Wigtown, New Galloway, Stranraver, & Whitehorn, —one.
Air, Irwin, Rothſay, Cambletown, & Inverary, —one.

where

Of the Electors.

17

where the Votes of the Commissioners for the said Burghs, met to choose Representatives from their several Districts to the Parliament of Great Britain, shall be equal, in that case the President of the Meeting shall have a casting or decisive Vote, and that by and according to his Vote as a Commissioner from the Burgh from which he is sent; the Commissioner from the eldest Burgh presiding in the first Meeting, and the Commissioners from the other Burghs in their respective Districts presiding afterwards by turns in the order as the said Burghs (used to be) called in the Rolls of the Parliament of Scotland; and that in case any of the said fifteen Commissioners from Burghs shall decease, or become legally incapable to sit in the House of Commons, then the Town of Edinburgh, or the District which chose the said Member, shall elect a Member in his or their place.

Gr Britain.

It the Votes of the Commissioners for Burghs are equal, the President of the Meeting to have the casting Vote. The Commissioner of the eldest Burgh to preside first, the others in their respective Districts by turns.

Like Election in case of Death or legal Incapacity of Members for Burghs as Shires, &c.

That none shall be capable to elect (a Representative for any Shire or Burgh of Scotland) unless twenty one Years of Age complete, and Protestant, excluding all Papists, or such who being suspect of Popery, and required, refuse to swear and subscribe the Formula, contained in the third Act

None capable to elect under twenty one Years of Age, nor unless Protestant. A Papist, and such as refuse the Formula, excluded.

Gr Britain.

Like Incapacity on all, nor at this time capable by the Laws of Scotland.

made in the eighth & ninth Sessions of King William's Parliament (in Scotland, which see in the Appendix) nor shall be capable to elect (a Representative to) a Shire or Burgh in the Parliament of Great Britain (for Scotland) except such as (were at the time of passing this Act) capable by the Laws of (Scotland) to elect as Commissioners for Shires or Burghs to the Parliament of Scotland.

Enacted accordingly.

Stat. 6 Annæ ch. 6.

Freeholders of Scotland to meet at the head Burghs of the Shires on notice of the time of the Election, to be given them by the Sheriff, and proceed to elect their Knights to be return'd by their Clerks to the Sheriff.

Enacted, &c. That when any Parliament shall at any time hereafter be summoned or called, (on notice to be forthwith given after Receipt of the Writs by the Sheriff or Stewart, of the time of Election for Knights of the Shire or Commissioners for Scotland) at such time of Election the several Freeholders in the respective Shires and Stewartries shall meet and convene at the head Burghs of their several Shires and Stewartries, & proceed to the Election of their respective Commissioners or Knights for the Shire or Stewartry; and the Clerks of the said Meetings shall respectively return the Names of the Persons elected to the

the Sheriff or Stewart of the Shire or Stewartry (on a Precept in like manner to be directed by the Sheriffs of Edinburgh to the Lord Provost of that City) and Receipt of such Precept, the City of Edinburgh shall elect their Member, and their common Clerk shall certify his Name to the Sheriff of Edinburgh.

On Precepts in like manner to be directed by the Sheriffs or Stewarts of the several Shires or Stewartries, where the other fourteen Districts of Royal Burghs respectively are, reciting the Contents and Date of the Writ, and commanding them to elect each of them a Commissioner, as they used formerly to elect Commissioners to the Parliament of Scotland, and to order the respective Commissioners to meet at the presiding Borough of their respective District (naming it) on the thirtieth day after the Teste of the Writ, unless Sunday, and then the next Day after, and then to choose their Burgesses for the Parliament: The common Clerk of the then presiding Borough shall, immediately after the Election, return the Name of the Person so elected to the Sheriff or Stewart of the Shire, or Stewartry where in such presiding Borough is. And in case a vacancy shall happen in time of Parliament, by the decease or legal incapacity of any Member, a new

Gr. Britain.

City of Edinburgh, on Precept from their Sheriff to their Provost, to elect their Member, and their common Clerk to make the return in like manner.

Royal Burghs on like Precepts reciting the Date, and Contents of the Writ, to elect their Commissioners as usual to the Parliament of Scotland, and each Commissioner of each Burgh in each District to meet at the presiding Borough of such District, the thirtieth day after the date of the Writ, unless Sunday, and then Monday, and then to choose their Burgesses, and their common Clerk forthwith to make the Return in like manner. Like method of Electing in case of Vacancy in Parlia-

Great Britain.
 ment time by
 Decease or In-
 capacity of a
 Member, and
 if for a Burgh,
 the presiding
 Burgh at the
 first to preside
 at the new E-
 lection.

Member shall be elected in his room
 conformable to the method herein be-
 fore appointed; and in case such Va-
 cancy be of a Representative for any
 one of the said fourteen Classes, or
 Districts for Royal Boroughs, that
 Borough, which presided at the Eledi-
 on of the deceased or disabled Mem-
 ber, shall be the presiding Borough at
 such new Election.

Stat. 6 Annæ ch. 23.

Electors of
 Members of
 Parliament in
 Great Britain,
 or of Commis-
 sioners for
 choosing Bur-
 gesses in Scot-
 land, refusing
 to take the Ab-
 juration Oath,
 (or if Quakers,
 the effect, up-
 on Affirmation)
 to be admini-
 stred by the She-
 riff, President of
 the Meeting,
 &c. at the re-
 quest of any
 Candidate, or
 other, incapa-
 ble to vote.

Enacted, &c. That every Person
 who shall refuse to take the Oath (of
 Abjuration, which see in Appendix) or
 being a Quaker shall refuse to declare
 the effect thereof, upon his solemn Af-
 firmation, as directed by an Act of Par-
 liament made in the seventh Year of
 the Reign of his late Majesty King
 William (the form whereof see also in
 the Appendix) to be administred by the
 Sheriff, President of the Meeting, or Chief
 Officer taking the Poll at any Election of
 Members to serve in the House of Com-
 mons for any place in Great Britain, or
 Commissioners for choosing Burgesses in
 for any place in Scotland, at the request of
 any Candidate, or other Person present,
 shall not be capable of giving any
 Vote for the Election of any such
 Member to serve in the House of Com-
 mons

Of the Electors.

21

Commons for any place in Great Britain, or Gr. Britain.
Commissioners to choose a Burgess
for any place in Scotland.

Stat. 9 Annæ. ch. 5.

Enacted, That every Person (ex-Candidate to be
cept the eldest Son or Heir apparent of a ^{sworn to their}
Peer, or of a Person qualified by this Act to ^{Estates, if re-}
serve as Knight of a Shire; or such as shall ^{quired by two}
be elected for each of the Universities of ^{Electors.}
England) shall upon Request, at the time
of Election, or before the Day to be
prescribed in the Writ of Summons
for the meeting of (any subsequent) Par-
liament, by any two or more Persons
having a Right to vote at such Elec-
tions, take a Corporal Oath in the
form (in this Act contained, which see
in the Appendix.)

The respective Oaths aforesaid The Oaths to
shall be administered by the Sheriff or administered
Under-Sheriff for any County, or by the Sheriff
by the Mayor, Bailiff, or other Offi- by other Officer
cer or Officers for any City, Bur- by whom the
rough, &c. to whom it shall appertain Poll is to be tak-
to take the Poll, or make the Return en, or Return
at such Election, or by any two Just- made, or Two or
ices of the Peace within England, &c. more Justices of
and if any of the said Candidates The Election
shall wilfully refuse to take the Oath, and Return of
the Election and Return of such Can- Candidates re-
didate and Person shall be void. fusing to take
the Oaths, void.

Stat.

Of the Electors.

Stat. 10. Annæ. ch. 23.

Collusive Estates made to qualify Electors for Knights of the Shire made absolute, and all Bonds, &c. for restoring the same, void.

The Maker, Adviser, and Voter, forfeit 40 l. each, with full Costs, &c. to any that will sue for the same, &c.

Enacted, That all Estates and Conveyances made to any Persons, in any Collusive Manner, to qualify them to give their Votes at Elections of Knights of the Shire (subject to Conditions to determine or re-convey such Estate) shall be taken against those Persons who executed the same, as free and absolute, and be holden by all such Persons to whom such Conveyance shall be made, freely acquitted from all manner of Trusts, Clauses of Re-entry, &c. between the said Parties, and all Bonds, Covenants, &c. for the restoring thereof, shall be null and void; and every Person, who shall make and execute such Conveyances, or being privy to such Purpose, shall devise or prepare the same, or any Person who, by Colour thereof, shall give any Vote at any Election of Knights of a Shire, shall forfeit 40 l. to any that will sue for the same, to be recovered with full Costs of Suit by Action of Debt, &c. in any of Her Majesty's Courts at Westminster, wherein no Essoign, &c. or more than one Imparlance, shall be allowed.

After May 1, 1712. No Person shall vote

Of the Electors.

23

vote for the electing of a Knight of a Shire in England, in right of any Lands which have not been assessed to the publick Tares, Church-Rates, and Parish-Duties, in such Proportion as other Lands of 40 s. per Annum in the Parish where the same shall be, and for which such Person shall not have received the Rents, or be intituled so to do, to the Value of 40 s. or more, to his own Use, for One Year before such Election, unless it come by Descent, Marriage, Devise, or Presentation to some Benefice, &c. and voting contrary to the true Intent hereof, shall forfeit 40 l. one Moiety to the Poor where the Lands lie, the other to the Person suing for the same.

The Act (7 W. 3.) as to so much only as concerns the Oath (to be administered to Freeholders) shall be, and is hereby repealed.

And upon every Election to be made of a Knight of a Shire within England, every Freeholder, before he is admitted to poll, shall, if required by the Candidates, or any of them, or any other Person having a Right to vote, first take the Oath (in this Act contained, which see in the Appendix) which Oath the Sheriff, &c. is to administer ;

Gr. Britain.
None after May 1. 1712. shall vote in right of Lands not assessed to the Taxes, &c. in Proportion to other Lands of 40 s. per An. in the same Parish, and for which he shall not be intituled to 40 s. Rent before the Election, unless come by Descent &c.
Voting otherwise forfeits 40 l.

Freeholder to be sworn before admitted to poll, if required by any Candidate or Voter.

minister ; and such or any other Person being convicted of wilful Perjury, or suborning any Freeholder, &c. to commit such Perjury, he shall incur the Penalties in the Act 5 Eliz. for punishing Perjury*.

Quakers capacitated to vote during the Act 7 W. 3. and their Affirmation to the Effect of the Oaths according to the said Act, to be accepted instead thereof by the Sheriff, &c.

And if any Quaker during the Continuance of an Act (7 W. 3.) intituled An Act, That the solemn Affirmation and Declaration of the People called *Quakers* shall be accepted instead of an Oath in the usual Form, shall upon such Election, if required by the Candidates, or any of them declare the Effect of the said Oath upon his solemn Affirmation, in such Manner and Form as is directed by the said Act, every such Quaker shall be capable, and admitted to give his Vote for the Election of any such Member within England ; and every Sheriff, &c. is hereby authorized and required to accept such Affirmation instead of the said Oath. And in case any such Quaker shall be convicted wilfully, falsely, and corruptly to have

* Freeholder, or other Person, convicted of Perjury, for every Offence to forfeit 20 l. suffer half a Year's Imprisonment, incapacitated to take an Oath till such Judgment be reversed, and for want of 20 l. to have his Ears nailed to the Pillory, per Stat. 5. Eliz.

Convicted of Subornation of Perjury, for every Offence forfeits 40 l. and incapacitated ; and for want of 40 l. to stand in the Pillory an Hour, by the same Statute.

affirm

affirmed or declared any Matter or Thing, which, if the same had been in the usual Form, would have amounted to wilful and corrupt Perjury; every such Quaker, so offending, shall incur the same Penalties and Forfeitures, as are herein before enacted against Persons convicted of wilful and corrupt Perjury.

Gr. Britain.

Quaker convicted of affirming what would have been Perjury by the usual Form, to incur the same Penalties as others, per Stat. 5. Eliz. as above.

1. Stat. 12. Anna. ch. 5.

Enacted, That the aforesaid Act (10. Annæ) shall not extend to restrain any Person from voting in right of any Rents, Tithes, or other incorporeal Inheritances, or any Messuages or Lands in Extra-Parochial Places, or any Chambers in the Inns of Court, or Inns of Chancery, or any Messuages or Seats belonging to any Offices, or in right of any other Messuages or Lands that have not been usually charged and assessed to all and every the Publick Taxes, Church-Rates, and Parish Duties; Provided such Messuages or Lands have been usually charged or assessed to some one or more of the said Publick Taxes, Rates, or Duties, in such Proportion as other Messuages or Lands of 40 s. per Annum within the

Persons capacitated to vote in right of Rents, Tithes, and other incorporeal Inheritances, and recapacitated in right of any other Messuages or Lands not usually charged to all, but one or more of the Publick Taxes, Rates, &c.

Gr. Britain. the same Parish or Township where the same shall lie, are usually charged.

2. Stat. 12. Anna.

No Conveyance or Right after this Parliament, whereon Infeoffment is not taken, and Seisin registred a Year before the Teste of the Writs, shall intitle the Person to vote in any Shire or Stewartry in Scotland. The like as to Infeoffment not taken a Year before the Date of a Warrant for a new Writ during the Continuance of a Parliament. Any Elector present, suspecting Persons to have Estates in Trust, may require the *Præses* of the Meeting to swear such to their Estates.

Enacted, That from and after the Determination of this present Parliament, no Conveyance or Right whatsoever, whereupon Infeoffment is not taken, and Seisin registred One Year before the Teste of the Writs for calling a New Parliament, shall, upon Objection made in that Behalf, intitle the Person or Persons, so infeofft, to vote at that Election, in any Shire or Stewartry in that Part of Great Britain called Scotland; and in case any Election happen during the Continuance of a Parliament, no Conveyance or Right whatsoever, whereupon Infeoffment is not taken One Year before the Date of the Warrant for making out a New Writ for such Election, shall, upon Objection made in that Behalf, intitle the Person or Persons so infeofft, to vote at that Election; and that it shall be lawful for any of the Electors present, suspecting any Person or Persons to have his or their Estates in Trust, and for the Behoof of and ther

Of the Electors.

27

ther, to require the Præses of the Meeting to tender the Oath (in this Act contained, which see in the Appendix) to any Elector; and the said Præses is hereby impowered and required to administer the same.

Gr Britain.

In case such Elector refuse to swear, and also to subscribe the said Oath, such Person or Persons shall not be capable of voting at such Election.

Electors refusing to swear and subscribe, incapable to vote.

Notwithstanding such Oath taken, it shall be lawful to make such other Objections as are allowed by the Laws of Scotland against such Electors.

Other Objections allowed by the Laws of Scotland, lawful.

No Infeoffment taken upon any redeemable Right (except proper Wadsetts, Adjudications, or Appraisings, allowed by the Act of Parliament relating to Elections in One thousand six hundred eighty one) shall intitle the Persons so infeoff, to vote at any Election in any Shire or Stewartry: And no Person or Persons, who have not been enrolled, and voted at former Elections, shall upon any Pretence whatsoever be enrolled or admitted to vote at any Election, except he or they first produce a sufficient Right or Title to qualify him or them to vote at that Election, to the Satisfaction of the Freeholders formerly enrolled, or the Majority of them

No Infeoffment (except proper Wadsetts, &c. allowed per Act, 1681) shall intitle the Person to vote.

None not enrolled, and voted at former Elections, shall be enrolled or admitted to vote, without producing a sufficient Qualification.

Gr. Britain.
Persons elected
by a Majority
of the Free-
holders enroll-
ed, to be re-
turned.

them present; and the returning Officers are hereby ordained to make their Returns of the Persons elected by the Majority of the Freeholders enrolled, and those admitted by them, reserving always the Liberty of objecting against the Persons admitted to, or excluded from the Roll, as formerly.

Rights of Heirs
Apparent in
voting by their
Predecessors
Infeoffments,
Husbands by
their wives,
reserved.

The Right of Apparent Heirs in Voting at Elections by Virtue of their Predecessors Infeoffments, and of Husbands by Virtue of their Wives Infeoffments, reserved.

Any Convey-
ance or Right
by the Laws of
Scotland, suffi-
cient to qualify
a Voter in E-
lections for
Shires or Stew-
artries, where-
on Infeoffment
taken before
June 1. 1713.
a Qualification
for future vo-
ting generally.

Any Conveyance or Right, which by the Laws of Scotland is sufficient to qualify any Person to vote in the Elections of Members of Parliament for Shires or Stewartries, and whereupon Infeoffment is taken on or before the first Day of June, in the Year of our Lord One thousand seven hundred and thirteen, shall intitle the Person or Persons so infeofft, to vote at the Elections of Members to serve in the next ensuing Parliament.

Husbands not
to vote by their
Wives Infeoff-
ments, who are
not Heiresses,
nor have right
to the Property
of the Lands
for which such
Vote claimed.

No Husband shall vote at any ensuing Election by Virtue of their Wives Infeoffments, who are not Heiresses, or have not Right to the Property of the Lands, on account whereof such Vote shall be claimed.

Stat.

Of the Electors.

29

Gr. Britain,

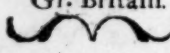
Stat. 2 G. II. ch. 24.

Enacted, &c. That from and after the Twenty fourth Day of June, in the Year of our Lord One thousand seven hundred and twenty nine, upon every Election of any Member or Members to serve for the Commons in Parliament, every Freeholder, Citizen, Freeman, Burgeſs, or Person having or claiming to have a Right to vote, or be polled at such Election, ſhall, before he is admitted to poll at the ſame Election, take the Oath (in this Act contained, which ſee in the Appendix) (or, being one of the People called Quakers, ſhall make the ſolemn Affirmation appointed for Quakers) in caſe the ſame ſhall be demanded by either of the Candidates, or any two of the Electors.

Electors of Parliament men to take the following Oath, if demanded.

Enacted, &c. That ſuch Votes ſhall be deemed to be legal, which have been ſo declared by the laſt Determination in the Houſe of Commons; which laſt Determination concerning any County, Shire, City, Borough, Cinque Port, or Place, ſhall be final to all Intents and Purpoſes whatſoever,

What Votes ſhall be deemed legal.

Gr. Britain.  soever, any Usage to the contrary notwithstanding.

Persons convicted of Perjury never capable to vote.

Enacted, &c. That no Person convicted of wilful and corrupt Perjury, or Subornation of Perjury, shall, after such Conviction, be capable of voting in any Election of any Member or Members to serve in Parliament.

Persons taking Money or Reward for their Vote, &c. forfeit 500 l. and disabled to vote in any Election.

Enacted, &c. That if any Person, who hath, or claimeth to have, or hereafter shall have, or claim to have, any Right to vote in any such Election, shall, from and after the said Twenty fourth Day of June, which shall be in the Year of our Lord, One thousand seven Hundred and twenty nine, ask, receive, or take any Money, or other Reward, by Way of Gift, Loan, or other Device, or agree or contract for any Money, Gift, Office, Imployment, or other Reward whatsoever, to give his Vote, or to refuse or forbear to give his Vote in any such Election; or if any Person by himself, or any Person imployed by him, doth or shall, by any Gift or Reward, or by any Promise, Agreement, or Security for any Gift or Reward, corrupt or procure any Person or Persons to give his or their Vote or Votes, or to forbear

Of the Electors.

31

Gr. Britain.

bear to give his or their Vote or Votes in any such Election; such Person, so offending in any of the Cases aforesaid, shall for every such Offence forfeit the Sum of Five hundred Pounds of lawful Money of Great Britain, to be recovered as before directed, together with full Costs of Suit; and every Person offending in any of the Cases aforesaid, from and after Judgment obtained against him in any such Action of Debt, Bill, Plaint, or Information, or summary Action, or Prosecution, or being any otherwise lawfully convicted thereof, shall for ever be disabled to vote in any Election of any Member or Members to Parliament, and also shall for ever be disabled to hold, exercise, or enjoy any Office or Franchise, to which he and they then shall, or at any time afterwards may be intitled, as a Member of any City, Borough, Town Corporate, or Cinque Port, as if such Person was naturally dead.

Enacted, &c. That if any Person offending against this Act shall, within the space of twelve months next after such Election as aforesaid, discover any other Person or Persons offending against this Act, so that such Per-

Offenders in 12 Months after the Election discovering others, indemnified.

Gr. Britain.

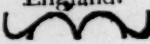
son or Persons so discovered be there-
upon convicted, such Person so dis-
covering, and not having been before
that time convicted of any Offence a-
gainst this Act, shall be indemnified,
and discharged from all Penalties
and Disabilities, which he shall then
have incurred by any Offence against
this Act.

Of

Of the Elected.

Stat. 34 E. I. ch. 1.

NO Tallage or Aid shall be taken or levied by us, or our Heirs in our Realm without the Good-will and Assent of Archbishops, Bishops, Earls, Barons, Knights, Burgeesses, and other Freemen of the Land.

England.


Stat. 5 R. II. ch. 4.

The King doth will and command, and it is assented in the Parliament by the Prelates, Lords, and Commons, that all and singular Persons and Commonalties, which from henceforth shall have the Summons of Parliament, shall come from henceforth to the Parliaments in the manner as they are bound to do, and have been accustomed within the Realm of England, of old times.

Persons & Commonalty summoned to Parliament, duly to attend.

¶ 4

And

Knights, Citizens, and Burgesses absenting, to be amerced and otherwise punished as in old times used,

Of the Elected.

And if any Person of the same Realm, which from henceforth shall have the said Summons (be he Knight of the Shire, Citizen of City, Burgess of Borough, or other singular Person, or Commonalty) do absent himself, and come not at the said Summons (except he may reasonably and honestly excuse him to our Lord the King) he shall be amerced, and otherwise punished according as in old times hath been used within the said Realm in the said Case.

Stat. 1 H. V. ch. 1.

Knights of the Shires to be elected of such only, who reside within the Counties they are chosen for at the Date of the Writ,

That the Knights of the Shires which from henceforth shall be chosen in every Shire, be not chosen, unless they be resident within the Shire, where they shall be chosen the Day of the Date of the Writ of the Summons of Parliament.

Citizens and Burgesses in like manner to reside in, and be free of, the Cities and Boroughs, they are elected for.

And moreover it is ordained and established, That the Citizens and Burgesses of the Cities and Boroughs be chosen Men, Citizens and Burgesses, resident, dwelling, and free in the same Cities and Boroughs, and no other in any wise.

Stat.

Of the Elected.

35

England.

Stat. 8 H. VI. ch. 7.

That such as have the greatest number of them that may expend 40 s. by the Year, and above, shall be returned (Knights of the Shire) &c. and that they which shall be chosen, shall be dwelling and resident within the same Counties.

Knights of the Shires shall be such, as have the majority of those that can expend 40 s. a Year, or more, and shall be resident in their Counties (Generally.)

Stat. 23 H. VI. ch. 15.

Ordained, &c. That every Sheriff, after the delivery of any Writ (of Election) to him made, shall make and deliver without fraud, a sufficient Precept under his Seal to every Mayor and Bailiff, or to Bailiffs or Bailiff where no Mayor is, of the Cities and Boroughs within his County, reciting the said Writ, commanding them by his Precept, if it be a City, to choose, &c. Citizens; and in the same manner if it be a Borough, &c.

Citizens and Burgeses only to be elected by Citizens and Burgeses, and the Sheriff shall direct his Precept accordingly.

And that every Sheriff at every time that he doth contrary to this Statute, or any other Statutes for the Election of Knights, Citizens, and Burgeses to come to the Parliament, before this time made, shall forfeit

Knights, Citizens, or Burgeses elected, and not duly return'd (the Sheriff acting contrary to this Stat. or any former Stat.

England.
 for Elections)
 to have Action
 of Debt against
 him, his Exe-
 cutors or Ad-
 ministrators,
 for 100 l. with
 Costs, wherein
 no Wager of
 Law, &c. shall
 be allowed.

forfeit and pay to every Person cho-
 sen Knight, Citizen, or Burges in
 his County, and not duly returned,
 100 l. whereof every Knight, Citi-
 zen, or Burges so griev'd, severally
 shall have his Action of Debt against
 the said Sheriff, or his Executors or
 Administrators, to demand and have
 the said 100 l. with his Costs spent in
 that case. And that in such Action
 taken by virtue of this Statute, the
 Defendant shall not wage his Law
 of the Demand aforesaid in any wise.
 And that no Defendant in such Action
 shall have any Essoign.

The like Acti-
 on given a-
 gainst Mayor
 or Bailiffs, their
 Executors or
 Administrators
 for 40 l. Debt
 and Costs, for
 returning o-
 thers than such
 as are chosen
 Citizens & Bur-
 gesses by Citi-
 zens & Bur-
 gesses.

And that in the same manner at
 any time that any Mayor and Bai-
 liffs, or Bailiffs or Bailiff where no
 Mayor is, shall return others than
 those which be chosen, &c. shall forfeit
 and pay to every Person hereafter
 chosen Citizen or Burges to come
 to the Parliament, and not by the
 same Mayor and Bailiff, or Bailiff
 or Bailiffs where no Mayor is, re-
 turned, 40 l. whereof every of the
 Citizens and Burgeses so grieved
 severally shall have his Action of Debt
 against every of the said Mayor
 and Bailiffs, or Bailiffs or Bailiff
 where no Mayor is, or against their
 Executors or Administrators, to de-
 mand

cho-
s in
rned,
Citi-
rally
rainst
s or
have
nt in
tion
the
Law
wise,
tion
r at
Bai-
no
han
sefit
fter
ome
the
iliff
re-
the
ved
ebt
vor
liff
eir
de-
nd

mand and have of every of the said
Mayors and Bailiffs, or Bailiffs or
Bailiff where no Mayor is, 40 l. with
his Costs in this Case expended.

And that in such Action of Debt
taken by force of this Statute, no
Defendant in any wise shall wage his
Law of the said Demand, nor have a-
ny Essoign.

Provided always, That every
Knight, Citizen, and Burgeses to
come to any Parliament hereafter to
be holden, in due form chosen, and
not returned as afore is said, shall
begin his Action of Debt aforesaid
within three Months after the same
Parliament commenced, to proceed
in the same Suit effectually without
fraud.

Such Knight,
Citizen, and
Burgeses to com-
mence the Ac-
tion within 3
Months after
the Commence-
ment of such
Parliament, &
proceed there-
in without
fraud.

And if any Knight, Citizen, or
Burgeses hereafter returned by the
Sheriff to come to the Parliament in
the manner aforesaid, after such Re-
turn be by any Person put out, and
another put in his place, that such per-
son so put in the place of him which is
put, if he take upon him to be Knight,
Citizen, or Burgeses at any Parlia-
ment in time to come, shall forfeit to
the King 100 l. and 100 l. to the Knight,
Citizen, or Burgeses so returned by the
Sheriff, and after, as afore is said,

In case of a
Knight, Citi-
zen, or Bur-
geses returned
and put out,
100 l. forfeited
to the King by
any Person put
in his place,
and serving as
such. And a
like Action a-
gainst him, &c.
for 100 l. Debr,
and Costs given
to the party
grieved, to be
commenced
within 3
Months after
put

England.
the Commence-
ment of such
Parliament.

And like Pro-
cess as in Tres-
pass at common
Law.

Provided, that
Knights of the
Shires be
Knights of the
Counties they
shall be elected
for, or Esquires,
or Gentlemen
able to be
Knights, and
not Yeomen or
under.

put out. And that the Knight, Citizen,
or Burgeses, which is so put out, shall
have an Action of Debt of the same
100 l. against such Person put in his
place, his Executors, or Administra-
tors, provided always; that he shall
begin his Suit within three Months
after the Parliament commenced, &c.
And that no Defendant in such Action
shall wage his Law, nor be essoigned.
And that such Process shall be in the
Actions aforesaid, as in a Writ of
Trespas done against the Peace, at
the common Law.

So that the Knights of the Shires
for the Parliament hereafter to be
chosen shall be notable Knights of the
same Counties for the which they shall
be chosen, or otherwise such notable
Esquires, or Gentlemen born of the
same Counties, as shall be able to be
Knights. And no man to be such
Knight, which standeth in the Degree
of a Peoman, or under.

Stat. 6 H. VIII. ch. 16.

Knights, Citi-
zens, &c. not
to depart or be
absent from
Parliament;
without leave
of the House
of Commons,

Enacted, &c. That from hence-
forth no Knights (of Shires) Citizens,
Burgeses, and Barons (of Cinque-
Ports) nor any of them that shall here-
after be elected to come or be in any
Parlia-

Parliament, do not depart from the said Parliament, nor absent himself from the same, till the said Parliament be fully finished, ended, or prorogued, except he or they so departing have Licence of the Speaker and Commons in the said Parliament assembled, and the same Licence be entered of Record in the Book of the Clerk of the Parliament appointed or to be appointed for the Commons House, &c.

England.

to be entered in the Journal.

Stat. 27 H. VIII. ch. 26.

Enacted, &c. That the two Knights to be chosen and elected to Parliament for the Shire of Monmouth (heretofore part of *Wales*) and the one Burgess for the Borough of Monmouth, shall have like Dignity, Pre-eminence and Privilege, as other Knights and Burgesses of the Parliament.

The two.

Knights & one Burgess for the Borough and County of *Monmouth*, to have like Privilege, &c. as other Knights and Burgesses.

And that the Knight which shall be chosen and elected to the Parliaments for the Shires of Brecknock, Radnor, Montgomery, and Denbigh, and for every other Shire within the Country or Dominion of *Wales*, and for every other Borough, being a Shire-Town within the said Country or Dominion of *Wales*, shall have like

The Knight for each County, and Burgess for each Shire-Town in *Wales*, to have like Privileges, &c.

Of the Elected.

like Dignity, Preeminence, and Privilege, as other Knights of Parliament.

Stat. 34. & 35 H. VIII. ch. 13.

The two Knights for the County, and two Burgeses for the City of *Chester*, to have like Privileges, &c.

Enacted, &c. That the two Knights to be elected for the County Palatine of *Chester*, and two Citizens as Burgeses for the City of *Chester*, shall be Knights and Burgeses of the Court of Parliament, and have like Voice and Authority, to all Intents and Purposes, as any other the Knights and Burgeses of the said Court of Parliament have, use, and enjoy, &c.

Stat. 25 C. II. ch. 29.

The two Knights to be elected for the County, & two Burgeses for the City of *Durham*, by a majority of Freeholders, and a like majority of Mayor, Aldermen, and Freemen present, to have like Privileges, &c.

Enacted, &c. That the two Knights to be elected for the County, and two Citizens as Burgeses for the City of *Durham* (the Election of Knights of the Shire to be by Majority of Freeholders, and the Burgeses by a Majority of the Mayor, Aldermen, and Freemen present at such Election) shall be, by Authority of this Act, Knights and Burgeses of High Court of Parliament, to all Intents and Purposes, and have and use the like Voice and Authority.

Of the Elected.

41

England.

and Par- Authority and Places therein, to all
the Knights and Burgesles of the
said High Court of Parliament have,
use, and enjoy; and likewise shall
and may, by virtue of this present Act,
take, have, use, and enjoy all such
and the like Liberties, Advantages,
Dignities, and Privileges concern-
ing the said Court of Parliament,
to all Intents, Constructions, and
Purposes, as any other the Knights
and Burgesles of the said High Court
of Parliament have taken, had, used,
or enjoyed, or shall, may, or ought
hereafter to have, take, or enjoy.

Stat. 5 Eliz. ch. 1.

Enacted, &c. That every Person which hereafter shall be elected or
appointed a Knight, Citizen, or Bur-
ges, or Baron for any of the five
Ports, for any Parliament or Parli-
aments hereafter to be holden, shall
from henceforth, before he shall enter
into the Parliament House, or have
any Voice there, openly receive and
pronounce the Oath (*expressed in the
Knights, Citi-
zens, &c. be-
fore their sitting
in the Parlia-
ment House, to
take the Oath of
Supremacy be-
fore the Lord
Steward, or his
Deputies; for the
contrary to lose
their Member-
ships, and incur
such Penalties as
if they had sat
without Electi-
on, Return, &c.

* The Oath of Supremacy mentioned in this Act, is
abrogated by the Stat. 1 W. & M. ch. 1. and a new one
appointed, which see in the Appendix.

England.

Stat. 1 Eliz. ch. 1. commonly called the Oath of Supremacy) before the Lord Steward (of the Queen's Household) for the time being, or his Deputy or Deputies for that time to be appointed; and that he which shall enter into the Parliament House, without taking the said Oath, shall be deemed no Knight, Citizen, Burgess, nor Baron for that Parliament, nor shall have any Voice, but shall be to all Intents, Constructions, and Purposes, as if he had never been returned nor elected Knight, Citizen, Burgess, or Baron for that Parliament, and shall suffer such Pains and Penalties, as if he had presumed to sit in the same without Election, Return, or Authority.

Stat. 7 Jac. 1. ch. 6.

Knights, Citizens, &c. at any Parliament, or Sessions, to take the Oath of Allegiance before the Lord Steward, &c. e're they be permitted to sit.

Enacted, &c. That all and every the Knights, Citizens, Burgesses, and Barons of the Five Ports, of the Commons House of Parliament, at any Parliament or Session of Parliament hereafter to be assembled, before he or they shall be permitted to enter into the said House (shall make, take, and receive the Oath of Obedience mentioned in the Statute of 3 Jac. 1. ch. 4.

com-

Of the Elected.

43

England.

commonly called *the Oath of Allegiance**) before the Lord Steward for the time being (of the King's Household) his Deputy or Deputies.

Stat. 30 Car. II. ch. 1.

Enacted, &c. That none which shall be a Member of the House of Commons shall vote in the House of Commons, or sit there, during any Debate in the said House of Commons after their Speaker is chosen, until such Member shall from time to time, and in manner following, first take the several † Oaths of Allegiance and Supremacy, and make, subscribe, and audibly repeat the Declaration (in this Act contained, commonly called the *Test*, which see in the Appendix) which said Oaths and Declaration shall be in this and every succeeding Parliament solemnly and publickly made and subscribed betwixt the Hours of Nine in the Morning and Four in the Afternoon, by every such Member of the House of Com-

Members of the House of Commons shall not vote or sit there during any Debate after their Speaker is chosen, until they have taken the Oaths of *Allegiance* and *Supremacy*, and subscribed the *Test*, between the hours of 9 and 4, in a full House.

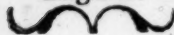
* The Oath of Allegiance mentioned in this Act, is abrogated by the Statute of 1 W. & M. ch. 1. and a new one appointed, which see in the Appendix.

† These Oaths are abrogated by Stat. 1 W. & M. ch. 1. and new ones appointed, which see in the Appendix.

D

mons

England.



mons at the Table in the middle of the said House, and whilst a full House of Commons is there duly sitting, with their Speaker in his Chair, and that the same be done in the House, in such like Order or Method as the House is called over by.

Members acting contrary to this Act shall be adjudged Popish Recusants convict, and suffer as such, and be disabled to hold any Office or Place of Profit or Trust in England or its Dominions, to sit or vote in Parliament, bring any Action or Information at Law, or Suit in Equity, be Guardian of any Child, Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift, and forfeit 500 l. for every Offence to any that will sue by Action of Debt, &c. wherein no Essoign, &c. shall lie.

If any Member of the House of Commons shall presume to do any thing contrary to this Act, every Member so offending shall from thenceforth be deemed and adjudged a Popish Recusant Convict, to all Intents and Purposes whatsoever, and shall forfeit and suffer as a Popish Recusant Convict, and shall be disabled to hold or execute any Office or Place of Profit or Trust, Civil or Military, in any of His Majesty's Realms of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, or in any of His Majesty's Realms, Islands, or Foreign Plantations to the said Realms belonging, and shall be disabled from thenceforth to sit or vote in Parliament, or to sue or use any Action, Bill, Complaint, or Information in course of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child,

Child, or Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift, and shall forfeit for every wilful Offence against this Act the Sum of 500 l. to be recovered or received by him or them that will sue for the same, and to be prosecuted by any Action of Debt, Suit, Bill, Complaint, or Information in any of His Majesty's Courts at Westminster, wherein no Essoign, Protection, or Wager of Law shall lie.

It shall be lawful to and for the House of Commons, as often as they shall see occasion, to order or cause all or any of the Members of Parliament openly in their House to take the said Oaths, and to make and subscribe the said Declaration, at such times, and in such manner, as they shall appoint. And if any Member or Members of the House of Commons shall, contrary to such Order made by their House, wilfully presume to sit therein, without taking the said Oaths, and making and subscribing the said Declaration, every such Member or Members of the House of Commons so presuming to sit, shall be adjudged, and is hereby declared to be uncapable

Members obliged to take the said Oaths, and subscribe the *Test* in the House, as often as the House shall think fit, and Members acting contrary, and presuming to sit, incapacitated during that Parliament.

Of the Elected.

Such Member's
Election de-
clared void, and
the Speaker by
Order of the
House impow-
ered to issue his
Warrant for a
new Election.

pable and disabled in Law, to all
Intents and Purposes whatsoever,
to sit in the said House of Commons,
or give any Voice therein during
that Parliament.

And in every case where any Mem-
ber or Members of the House of Com-
mons shall, by virtue of this Act,
be disabled to sit or vote in the House
of Commons, then, and in every
such case, without any further Con-
viction, or other Proceedings against
such Member or Members, the Place
or Places, for which they or any of
them were elected, is hereby declar-
ed void, and a new Writ or Writs
shall issue out of the High Court of
Chancery, by Warrant or Warrants
from the Speaker of the House of
Commons for the time being, and,
by Order of the said House, for the
Election of a new Member or Mem-
bers to serve in the House of Com-
mons, in the Place or Places of such
Member or Members so disabled, to
all Intents and Purposes as if such
Member or Members were naturally
dead, &c.

During the taking the Oaths, and sub-
scribing the *Test*, all other Proceedings
in Parliament to cease, and the Oath,
Declaration, and Subscription, with a Sched-
ule

Of the Elected.

47

England.

duple of the Names of the Persons taking and subscribing them, to be entred and filed in Parchment-Rolls provided by the Clerk of the House, and each Member to pay only 12 *d.* for every such Entry.

Stat. 1 W. & M. ch. 1.

Enacted, &c. That the Act made in the 30th Year of King Charles the Second, and all other Acts of Parliament, as to so much of the said Act or Acts only as concerns the taking the Oaths of Supremacy and Allegiance, or either of them, in the said Acts respectively mentioned, by any Member or Members of the House of Commons, with relation to their sitting and voting in Parliament, shall be, and are hereby repealed to all Intents and Purposes, any thing in the said recited Act or Acts to the contrary notwithstanding.

Members of the House of Commons qualified to sit and vote by taking the Oaths of Allegiance and Supremacy appointed by this Act (instead of the old ones, now repealed) and by subscribing the Test according to the limitations, &c. of the preceding Statute 30 Car. 2.

In all future Parliaments the Oaths (in this Act mentioned, which see in the Appendix) and the Declaration in the Act made in the 30th Year of King Charles the Second mentioned (which also see in the Appendix) shall be taken, made, subscribed, and repeated by every Member of the House of Commons, with

Of the Elected.

in the time, and in the same Manner and Form, and under the Penalties and Disabilities, as the said Oaths of Allegiance and Supremacy, and the said Declaration by the said Act of the 30th Year of King Charles the Second are limited, ordained, and appointed to be taken, made, subscribed, and repeated, and not at any other time, or in any other manner, to enable them to sit and vote in Parliament, any thing in the said Act or Acts, or in any of them, to the contrary notwithstanding.

Stat. 1 W. & M. ch. 2.

[The Claim of Right.]

That Elections of Members of Parliament ought to be Free.

That the Freedom of Speech and Debates on Proceedings in Parliament ought not to be impeached or questioned in any Court or Place out of Parliament.

Enacted accordingly.

Stat. 5 & 6 W. & M. ch. 7.

Members of the
House of Com-
mons to be no
ways concerned

Enacted, &c. That no Member of the House of Commons shall at any time be concerned, directly or indirectly,

Of the Elected.

49

ly, or any other in trust for him, in the farming, collecting, or managing any of the Duties, or other Aids that hereafter shall be granted by Act of Parliament, except the Commissioners of the Treasury, and the Officers and Commissioners for managing the Customs and Excise, not exceeding the present number in each Office, and Commissioners of the Land Tax.

England.

in Duties or Aids to be granted by Parliament, except Commissioners of the Treasury, Customs, Excise, and Land Tax.

Stat. 5 & 6 W. & M. ch. 20.

Enacted, &c. That it shall and may be lawful to and for any Member or Members of the House of Commons to be a Member or Members of the Corporation (of the Governor and Company of the Bank of *England*) No Collector, Supervisor, Gauger, or other Officer, or Person whatsoever concerned or employed in the charging, collecting, levying, or managing the Duties of Excise, or any Branch or part thereof, shall, by Word, Message, or Writing, or in any other manner, endeavour to persuade any Elector to give, or dissuade any Elector from giving his Vote for the Choice of any Person to be a Knight of the Shire, Citizen, Burgess, or Baron of any County, City, Borough, or Cinque-

Members of the House of Commons may be Members of the Bank.

England.

port, and every Officer, or other Person offending therein, shall forfeit the Sum of 100^l. one Moiety thereof to the Informer, the other Moiety to the Poor of the Parish where such Offence shall be committed, to be recovered by any Person that shall sue for the same, by Action of Debt, Bill, Plaint, or Information in any of their Majesties Courts of Record at *Westminster*, in which no Essoign, Protection, Privilege, or more than one Imparance shall be allowed, and every Person convict on such Suit of the said Offence, shall be for ever incapacitated to bear any Office, or Place of Trust, under the Crown.

Stat. 7 W. III. ch. 4.

No Persons to be elected after the *Teste* of the Writ shall by themselves, or any other ways at their charge before the Election, give, promise, or oblige themselves to give, any thing to any Person, having a Vote in particular, or to any County or Place in general, in order to be elected,

Enacted, &c. That no Persons hereafter to be elected to serve in Parliament for any County, City, Town, Borough, Port, or Place within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, after the *Teste* of the Writ of Summons to Parliament, or after the *Teste*, or the issuing out, or ordering of the Writ or Writs of Election upon the calling, or summoning of any Parliament hereafter, or after any such Place becomes vacant,

Of the Elected.

51

England.

vacant, shall, or do hereafter by himself, or themselves, or by any other ways or means on his or their behalf, or at his or their Charge, before his or their Election to serve in Parliament for any County, City, Town, Borough, Port, or Place within the Kingdom of England, Dominion of Wales, or Town of Berwick upon Tweed, directly or indirectly give, present, or allow to any Person or Persons, having Voice or Vote in such Election, any Money, Meat, Drink, Entertainment, or Provision, or make any Present, Gift, Reward, or Entertainment, or shall at any time hereafter make any Promise, Agreement, Obligation, or Engagement to give or allow any Money, Meat, Drink, Provision, Present, Reward, or Entertainment to or for any such Person or Persons in particular, or to any such County, City, Town, Borough, Port, or Place in general, or to or for the Use, Advantage, Benefit, Employment, Profit, or Preferment of any such Person or Persons, Place or Places, in order to be elected, or for being elected to serve in Parliament, for such County, City, Town, Borough, Port, or Place.

And

England.

Such Persons
so giving, pro-
mising, &c.
disabled to serve,
as if never e-
lected or re-
turned.

And it is hereby further enacted and declared, That every Person or Persons so giving, presenting, or allowing, making, promising, or engaging, doing, acting, or proceeding, shall be, and are hereby declared, and enacted disabled and incapacitated upon such Election to serve in Parliament for such County, City, Town, Borough, Port, or Place, and that such Person or Persons shall be deemed and taken, and are hereby declared and enacted to be deemed and taken no Member in Parliament, and shall not act, sit, or have any Vote or Place in Parliament, but shall be, and are hereby declared and enacted to be, to all Intents, Constructions, and Purposes, as if they had been never returned, or elected Members for the Parliament.

Stat. 7 & 8 W. III. ch. 7. and continued by Stat. 12 & 13 W. III. ch. 5.

False Returns
of Knights,
Citizens, &c.
illegal and pro-
hibited.

Enacted, &c. That all false Returns wilfully made of any Knight of the Shire, Citizen, Burgess, Baron of the Cinque-ports, or other Member to serve in Parliament, are against Law, and are hereby prohibited.

The Party grieved (by any ^{England.} false Return, and contrary to the last ^{An Action giv-} Determination of the Right of Election ^{en to any duly} of the House of Commons, which is also ^{electd against} adjudged a false Return) (to wit) every ^{the Officer for,} person that shall be duly elected to ^{and Procurer of} serve in Parliament for any County, ^{a false Return,} City, Borough, Cinque-Port, or ^{or Return con-} Place, by such false Return, may sue ^{trary to the} the Officers and Persons making or ^{last determina-} procuring the same, and every or any of ^{tion of the} them, at his Election, in any of his Ma- ^{Right of Elec-} jesty's Courts of Record at Westmin- ^{tion in the} ster, and shall recover double the Da- ^{House of Com-} mages he shall sustain by reason there- ^{mons, in any} of, together with his full Costs of ^{of the Courts} such Suit. ^{at Westminster,} with double ^{Damages, and} full Costs.

Any Officer that shall wilfully, ^{Like Action} falsly, and maliciously return more ^{given the e-} persons than are required to be chosen ^{lectd against} by the Writ or Precept on which any ^{Officer, &c.} Choice is made, the like Remedy ^{falsly, &c.} may be had against him or them, ^{making double} and the Party or Parties that wil- ^{Returns, and} lingly procure the same, and every ^{the Procurers} or any of them, by the Party grieved ^{of such Re-} ed at his Election. ^{turns.}

All Contracts, Promises, Bonds, ^{Contracts,} and Securities whatsoever hereafter ^{Bonds, &c.} made or given to procure any Return ^{given to pro-} of any Member to serve in Parliament, ^{ure the Re-} or any thing relating thereunto, shall be ^{turn of any} adjudged void, ^{Members ad-} and such ^{judged void,} adjudged

England.

(Members) as make or give them to procure any false or double Return, forfeit 300 l. One third to the King, another to the Poor of the County, City, &c. and a third to the Informer, with his Costs, to be recovered by Action of Debt, &c. wherein no Effoign, &c. and but one Impar lance allowed.

adjudged void; and that whoever makes or gives such Contracts, Security, Promise, or Bond, or any Gift or Reward to procure such false or double Return, shall forfeit the Sum of 300 l. one third part thereof to be to his Majesty, another third part thereof to the Poor of the County, City, Borough, or Place concerned, and one third Part thereof to the Informer, with his Costs, to be recovered in any of his Majesty's Courts of Record at Westminster, by Action of Debt, Bill, Plaint, or Information, wherein no Effoign, Protection, or Wager of Law shall be allowed, nor any more than one Impar lance.

The Clerk of the Crown to keep a Book of Entry of every single and double Return, and of every Alteration and Amendment in every such Return, whereto all Persons are to have access, and take Copies of so much as desir'd at a reasonable Fee—The Parties prosecuting such Suit (Candidates) may give such Book, or a true Copy thereof, in Evidence, and have like advantage as by producing the Record it self: And if the Clerk of the Crown makes not such Entry within six Days after any Return, or alters any Return without Order of the House of Commons, or gives a Certificate of any Person not return-

Of the Elected.

55

England.

returned, or wilfully neglects or omits his Duty herein, he shall forfeit 500 l. for each Offence to the Party grieved (*Candidate*) to be recovered as aforesaid, and lose his Office, and be for ever incapable of holding it.

Every Information or Action grounded upon this Statute, shall be brought within the Space of two Years after the Cause of Action shall arise, and not after.

Informations or Actions on this Stat. to be brought within 2 Years after the Cause of Action.

Stat. 7 & 8 W. III. ch. 25.

Enacted, &c. That upon every Election to be made of any Knight or Knights of the Shire (in case a Poll shall be required) the Sheriff, or his Under-Sheriff, shall appoint for each Candidate such one person as shall be nominated to him by each Candidate to be Inspectors of every Clerk who shall be appointed for taking the Poll; and every Freeholder, before he is admitted to poll at the same Election, shall, if required by the Candidates, or any of them, first take the Oath (in this Act contained, which see in the Appendix.)

And if any Person do unlawfully and corruptly procure or suborn any Free-

Candidates for Knights of the Shire may nominate persons to be Inspectors of the Poll, and may require each Freeholder to be sworn before admitted to poll.

Any Person procuring a Freeholder or other to take

England.

the Oath for the Poll, where by he commits Perjury, and convicted of such Subornation, for every Offence (forfeits 40 l. and is incapacitated as a Witness till such Judgment be reversed; and for want of 40 l. to be imprisoned half a Year. and stand in the

Without the Candidates consent, the County Court not to be adjourned from the place of Election, nor the Poll discontinued.

Any Person may demand a Copy of any Poll which the Sheriffs, Mayors, &c. are required to deliver, paying reasonably for writing it.

Freeholder or other Person to take the said Oath in order to be polled, whereby he shall commit wilful and corrupt Perjury, and shall be thereof convicted, he for every such Offence shall incur the like Pains and Penalties as are in and by one Act of Parliament made in the 5th Year of the Reign of the late Queen Elizabeth, &c. enacted against all such who shall &c. suborn or procure any Person to commit any unlawful and corrupt Perjury contrary to the said Act.

The said Sheriff, or in his absence his Under-Sheriff, or such as he shall depute, shall not adjourn the County-Court from the Place of Election to any other Town or Place within the same County without consent of the Candidates, but shall duly and orderly proceed to take the Poll from day to day, and time to time, without any further or other Adjournment, without the Consent of the Candidates.

Every Sheriff, Under-Sheriff, Mayor, Bailiff, and other Officer, to whom the Execution of any Writ or Precept shall belong for the electing Members to serve in Parliament, shall forthwith deliver to such person

Of the Elected.

57

England.

or persons as shall desire the same, a Copy of the Poll taken at such Election, paying only a reasonable Charge for writing the same: And every Sheriff, Under-Sheriff, Mayor, Bailiff, and other Officer, to whom the Execution of any Writ or Precept for electing Members to serve in Parliament doth belong, for every wilful Offence contrary to this Act shall forfeit to every party so aggrieved the Sum of 500 l. to be recovered by him or them, his or their Executors or Administrators, together with full Costs of Suit, and for which he or they may sue by Action of Debt, Bill, Plaint, or Information in any of his Majesty's Courts at Westminster, wherein no Essoign, Protection, Wager of Law, Privilege, or Impar lance, shall be admitted or allowed.

To each Party grieved, Mayors, Sheriffs, &c. for every wilful Offence contrary to this Act, forfeits 500 l. to be recovered by such Party, his Executors, or Administrators, with full Costs, by Action of Debt, &c. wherein no Essoign, &c. to be allowed.

No Person hereafter shall be capable of being elected a Member to serve in Parliament, who is not of the age of 21 Years, and every Election or Return of any Person under that Age is hereby declared to be null and void. And if any such Minor hereafter chosen shall presume to sit or vote in Parliament, he shall incur such Penalties and Forfeitures

None shall be elected under the age of 21 Years. The Choice of any elected under that age declared void; and such Minor sitting, &c. in Parliament shall incur like Penalties as if sitting, &c. unchosen or returned.

as

England.

as if he had presumed to sit and vote in Parliament without being chosen or returned.

Candidates for the County of *Southampton* may demand of the Sheriff, after the end of the Poll at *Winchester*, an Adjournment to *Newport* in the *Isle of Wight*.

The Sheriff of the County of *Southampton*, or his Deputy, at the request of one or more of the Candidates for Election of a Knight or Knights for that County, shall adjourn the Poll from *Winchester*, after every Freeholder then and there present is polled, to *Newport* in the *Isle of Wight*, for the Ease of the Inhabitants of the said Island, any thing in this Act contained to the contrary notwithstanding.

Stat. 7 & 8 W. III. ch. 27.

Candidates may require the Sheriff or Chief Officer on the Poll, at any Election, to administer the Oaths of Allegiance and Supremacy to Electors (and if Quakers, the Declaration of Fidelity) and on refusal, not to admit them to vote.

No Person which shall refuse to take the Oaths (of Allegiance and Supremacy, which see in the Appendix) directed by an Act made in the First Year of the Reign of His present Majesty, and the late Queen Mary, or being Quakers, shall refuse to subscribe the Declaration of Fidelity directed by one other Act of Parliament made in the said First Year of the Reign of His present Majesty and the late Queen, (which see also in the Appendix), (to be administered on the Poll by the Sheriff or Chief Officer

Of the Elected.

49

England.

Officer at any Election) at the Request of any one of the Candidates, shall be admitted to give any Vote for the Election of any Knight of the Shire, Citizen, Burgess, or Baron of the Cinque Ports, to serve in Parliament.

Stat. 11 & 12 W. III. ch. 2.

Enacted, &c. That if any Member of the House of Commons, during the time of his being a Member of Parliament, by his Deputy, or any other in trust for him or his benefit, take, enjoy, or execute any Office, Place, or Imployment touching or concerning the farming, managing, or collecting the Duty of Excise, or determining Appeals concerning the said Duty, or controlling or Auditing the Accounts of the same, such Person is hereby declared and enacted to be absolutely incapable of sitting, voting, or acting as a Member of the House of Commons in such Parliament.

Members of the House of Commons, while such, by themselves, Deputies, or Trustees, taking or executing any Office in the Excise, or Appeals thereof, declared incapable of sitting, &c.

E

Stat.

Of the Elected.

Stat. 12 & 13 W. III. ch. 2.

*The Act for the Limitation of the
Crown to the House of Hanover.*

Enacted, &c. After the Limitation of the Crown to the Princess *Sophia* of *Hanover*, (by this Act shall take effect) no Person born out of the Kingdoms of *England*, *Scotland*, or *Ireland*, or the Dominions thereunto belonging, (although he be naturalized or made a *Denizen*; except such as are born of *English* Parents) shall be capable to be a Member of the House of Commons.

Stat. 12 & 13 W. III. ch. 10.

Members of the House of Commons incapacitated from being Commissioners or Farmers of the Customs, or to hold in their own or others Names, or by others in trust, or execute by Deputies any Office in the Customs.

Enacted, &c. That no Member of the House of Commons shall be capable of being a Commissioner or Farmer of the Customs, or of holding or enjoying in his own Name, or in the Name of any other Person in trust for him, or for his Use or Benefit, or of executing, by himself or his Deputy, any Office, Place, or Employment touching or concern-

Of the Elected.

61

concerning the farming, collecting, or managing the Customs. England.

If any Member of the House of Commons shall, during the time of his being a Member of Parliament, by himself, or his Deputy, or any other in trust for him, or for his Benefit, take, enjoy or execute any Office, Place or Employment, touching or concerning the farming, Managing, or collecting the Customs, such Person is hereby declared and enacted to be absolutely incapable of sitting, voting, or acting as a Member of the House in such Parliament.

Members, while such, so taking or executing any such Office, declared incapable of sitting, &c.

No Commissioner, Collector, Comptroller, Searcher, or other Officer, or Person concerned or employed in the charging, collecting, levying, or managing the Customs, or any Branch or Part thereof, shall by Word, Message or Writing, or in any other Manner endeavour to perswade any Elector to give, or dissuade any Elector from giving his Vote for the Choice of any Person to be a Knight of the Shire, Citizen, Burgeſs, or Baron of any County, City, Burrough or Cinque Port, and every Officer, or other Person offending therein, shall forfeit the Sum of One hundred

E 2 Pounds,

Of the Elected.

Pounds, one Moiety to the Informer, the other Moiety to the Poor of the Parish where such Offence shall be committed, to be recovered by any Person that shall sue for the same, by Action of Debt, Bill, Plaint or Information, in any of His Majesty's Courts of Record at Westminster: In which no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed; and every Person convict on any such Suit, shall be incapable ever to bear any Office or Place of Trust under the Crown.

Stat. 13 & 14 W. III. ch. 6.

Members of the House of Commons not to vote or sit there during any Debate, after their Speaker chosen, until they have taken and subscribed the *Abjuration* between 9 and 4, in a full House.

Enacted, &c. That none which shall be a Member of the House of Commons, shall vote in the House of Commons, or sit there during any Debate in the said House of Commons, after their Speaker is chosen, until such Member shall, from time to time take the Oath (mentioned in this Act, commonly called the *Abjuration*, altered by Statute 1 *Annæ*, ch. 22. again by Stat. 4 & 5 *Annæ*, ch. 8. again by Statute 6 *Annæ*, ch. 7. which last see in the Appendix) and subscribe the same in manner following; (that is to say) the said Oath shall be in this and every o-
ther

ther succeeding Parliament, solemnly and publickly made and subscribed between the Hours of Nine in the Morning, and Four in the Afternoon, by every such Member of the House of Commons, at the Table, in the middle of the said House, and whilst a full House of Commons is there duly sitting with their Speaker in his Chair.

If any Member of the House of Commons shall presume to vote, not having taken the said Oath, and subscribed the same as aforesaid, every such Member so offending shall from thence be deemed and adjudged a Popish Recusant convict to all Intents and Purposes whatsoever, and shall forfeit and suffer as a Popish Recusant convict, and shall be disabled to hold or execute any Office or Place of Profit or Trust, Civil or Military, in any of His Majesty's Realms of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, or in any of His Majesty's Islands or Foreign Plantations to the said Realms belonging, and shall be disabled from thenceforth to sit or Vote in Parliament, or to sue or use any Action, Bill, Complaint, or Information in

Members voting, nor having so taken, &c. the said Oath, adjudged Popish Recusants convict, and forfeit as such, and disabled to hold any Office or Place of Profit or Trust in England or its Dominions, to sit or vote in Parliament, bring any Action or Information at Law, or Suit in Equity, be Guardian of any Child, Executor or Administrator of any Person, or capable of any Legacy or Deed of Gift, and to forfeit 500 £. to any that will sue by Action of Debt, &c. where no E&

England.

soign, &c.
shall lie.

course of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child, or Executor, or Administrator of any Person, or capable of any Legacy or Deed of Gift, and shall forfeit for every wilful Offence against this Act the Sum of 500 l. to be recovered and received by him or them that shall sue for the same, and to be prosecuted by any Action of Debt, Suit, Bill, Complaint or Information, in any of His Majesty's Courts at Westminster, wherein no Essoign, Protection, or Wager of Law shall lie.

Stat. 2 & 3 Annæ, ch. 4.

The Register for the *West-Riding of York-shire*, or his Deputy, incapacitated to be chosen Member of Parliament.

Enacted, &c. That no Register (for the Registering Memorials of Deeds, Conveyances and Wills) within the *West-Riding* in the County of *York*, or his Deputy for the time being, be capable of being chosen a Member to serve in Parliament.

Stat. 4 & 5 Annæ, ch. 8.

No Candidate, who shall have in his own Name, or in trust for him or his Benefit, any new Office or

Enacted, &c. That no Person, who shall have in his own Name, or in the Name of any Person or Persons in trust for him or for his Benefit,

England.

Benefit, any new Office or Place of Profit whatsoever, under the Crown, which at any time hereafter shall be created or erected, nor any Person who shall be a Commissioner or Sub-Commissioner of the Prizes, Secretary or Receiver of the Prizes, nor any Comptroller of the Accounts of the Army, nor any Commissioner of Transports, nor any Commissioner of the Sick and Wounded, nor any Agent to any Regiment, nor any Commissioner for Wine Licences, nor any Governor nor Deputy-Governor of any of the Plantations, nor any Commissioner of the Navy employed in any of the Out-Ports, nor any Person having any Pension from the Crown during Pleasure, shall be capable of being elected, or of sitting or voting as a Member of the House of Commons in any Parliament which shall be hereafter summoned and holden.

Place of Profit hereafter to be created, or be a Commissioner or Sub-Commissioner, Secretary or Receiver of Prizes, Commissioner of the Armies Accounts, Commissioner of the Sick and Wounded, Agent for any Regiment, Commissioner for Wine Licences, Governor or Deputy-Governor of any of the Plantations, Commissioner in any Out-Port, or have a Pension from the Crown during Pleasure, shall be capable of being elected or sitting, &c. as a Member.

If any Person being chosen a Member of the House of Commons shall accept of any Office or Profit from the Crown during such time as he shall continue a Member, his Election shall be, and is hereby declared to be void, and a new Writ shall

Members chosen accepting any Office of Profit from the Crown, while they continue Members, their Election void, and a new Writ to issue, but ca-

England.

capable of being
again Elected.

issue for a new Election, as if such Person so accepting was naturally Dead. Nevertheless such Person shall be capable of being again elected, as if his Place had not become void as aforesaid.

No greater Number of Commissioners shall be made for the Execution of any Office than have been employed in the Execution of any such from the first Day of the Session.

Members being
Officers in the
Navy or Army,
receiving any
New Commission
in either,
not incapacitated.

Nothing herein contained shall extend, or be construed to extend, to any Member of the House of Commons being an Officer in Her Majesty's Navy or Army, who shall receive any new or other Commission in the Navy or Army respectively.

Members hereby
incapacitated,
if returned,
their Election
void, and pre-
suming to sit
and vote forfeit
500 l. to any
that will sue by
Action of Debt,
&c. wherein no
Essoign, &c.
and but one Im-
parlance to be
allowed.

If any Person hereby disabled or declared to be incapable to sit or vote in any Parliament hereafter to be holden, shall nevertheless be returned as a Member to serve for any County, City, Town, or Cinque Port in any such Parliament, such Election and Return are hereby enacted and declared to be void to all Intents and Purposes whatsoever; and if any Person disabled or declared incapable by this Act to be elected, shall presume to sit or vote
as

Of the Elected.

57

Great Britain.

as a Member of the House of Commons in any Parliament to be hereafter summoned, such Person so sitting or voting shall forfeit the Sum of 500 l. to be recovered by such Person as shall sue for the same by Action of Debt, Bill, Complaint or Information, wherein no Essoign, Protection, or Wager of Law, shall be allowed, and only one Imparllance.

Stat. 5 Annæ, ch. 8.

[The Union Act.]

Forty-five shall be the Number of the Representatives of *Scotland* in the House of Commons of the Parliament of *Great Britain*.

Every Member of the House of Commons of the Parliament of *Great Britain* (until the Parliament of *Great Britain* shall otherwise direct) shall take the respective Oaths appointed to be taken instead of the Oaths of *Allegiance* and *Supremacy*, by an Act of Parliament made in *England* in the First Year of the Reign of the late King *William* and Queen *Mary* (*The new Oaths of Allegiance and Supremacy, which see in the Appendix.*) And
make,

Great Britain.

make, subscribe, and audibly repeat the Declaration mentioned in an Act of Parliament made in *England* in the Thirtieth Year of the Reign of King *Charles the Second* (*The Test, which see also in the Appendix*) and shall take and subscribe the Oath mentioned in an Act of Parliament made in *England* in the First Year of Her Majesty's Reign. (*The Abjuration, which see also in the Appendix.*) At such time and in such manner, as the Members of both Houses of Parliament of *England* are by the said respective Acts directed to take, make, and subscribe the same, upon the Penalties and Disabilities in the said respective Acts contained: And it is declared and agreed, that these Words (*This Realm, The Crown of this Realm, and the Queen of this Realm*) mentioned in the Oaths and Declaration contained in the aforesaid Acts, which were intended to signify the Crown and Realm of *England*, shall be understood of the Crown and Realm of *Great Britain*, and that in that Sense the said Oaths and Declaration be taken and subscribed by the Members of the Parliament of *Great Britain*.

Enacted accordingly.

None

None shall be capable to be elected (a Representative for any Shire or Borough of Scotland) but such as are Twenty one Years of Age complete, and Protestant, excluding all Papists, or such who being suspect of Popery, refuse to swear and subscribe the Formula contained in the Third Act made in the 8th and 9th Sessions of King William's Parliament (in Scotland, which see in the Appendix) nor shall be capable to be elected to represent a Shire or Burgh in the Parliament of Great Britain (for Scotland) except such as (were at the time of passing this Act) capable by the Laws of (Scotland) to be elected as Commissioners for Shires or Boroughs to the Parliament of Scotland.

Great Britain.

None capable to be elected for any Shire or Borough of Scotland under 21 Years, nor unless a Protestant; Papists and such as refuse the Formula excluded.

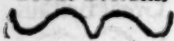
Like Incapacity on Candidates, not at this time capable by the Laws of Scotland.

Enacted accordingly.

Stat. 6 Annæ, ch. 7.

A like Clause for incapacitating Persons to be elected, &c. Members of Parliament, and likewise for incapacitating Members of Parliament, with like Restrictions, Exceptions, and Penalties (throughout the united Kingdom)

Great Britain.



dom) as are contained in the Statute 4 & 5 Annæ, ch. 8. relating to Candidates and Members for the Parliament of England.

Candidates disabled to be elected, or Members to sit, &c. in the Parliament of England, under like disabilities, as to any Parliament of Great Britain.

And further enacted, &c. That every Person disabled to be elected, or to sit or vote in the House of Commons of any Parliament of England, shall be disabled to be elected, or to sit or vote in the House of Commons of any Parliament of Great Britain.

Except the present Commissioners for disposing the Equivalent by the present or any other Commission.

Stat. 6 Annæ, ch. 23.

Candidates or others may require the Sheriff, President of the Meeting, &c. on the Poll at any Election of Members of Parliament in Great Britain, or of Commissioners for choosing Burgesses in Scotland to administer the Abjuration upon Oath (or upon Affirmation to

Enacted, &c. That every Person who shall refuse to take the Oath of Abjuration, (which see in the Appendix) or being a Quaker, shall refuse to declare the Effect thereof upon his solemn Affirmation, as directed by an Act of Parliament made in the Seventh Year of the Reign of his late Majesty King William, (the Form whereof see also in the Appendix) to be administered by the Sheriff, President of the Meeting, or chief Officer

Of the Elected.

61

Statute to Cap Parliament
 Officer taking the Poll at any Election of Members to serve in the House of Commons for any Place in Great Britain, or Commissioners for choosing Burgeses for any Place in Scotland, at the Request of any Candidate or other Person present, shall not be capable of giving any Vote for any Election of any such Member to serve in the House of Commons for any place in Great Britain, or Commissioner to choose a Burgess for any place in Scotland.

Great Britain.

Quakers) and Electors refusing it, incapable to vote.

Stat. 6 Annæ, ch. 35.

Enacted, &c. That no Register for the Registering Memorials of Deeds, Conveyances, Wills, &c. within the East Riding of the County of York, or the Town and County of Kingston upon Hull, or his Deputy for the time being, be capable of being chosen a Member to serve in Parliament.

The Register for the East Riding of York-shire, &c. or his Deputy, incapacitated to be chosen a Member of Parliament.

Stat. 9 Annæ.

Enacted, That no Person shall be capable to sit or vote as a Member of the House of Commons, for any County, City, &c. within that part of Great Britain called England, &c.

Persons incapacitated to sit or vote in the House of Commons who have not an Estate, Freehold or Co-

Great Britain.

Freehold for Life or greater, lying in *England* of 600 *l.* for a Knight of the Shire, annually; and 300 *l.* for a Citizen, Burghers, &c. and if any elected, &c. not seized of such an Estate, the Election, &c. void.

Eldest Son or Heir Apparent of a Peer, or Person qualified to serve as a Knight of a Shire, excepted.

&c. who shall not have an Estate Freehold or Copyhold for his own Life, or for some greater Estate, either in Law or Equity to his own Use, in Lands, Tenements, or Hereditaments, above what will satisfy and clear all Incumbrances within that part of Great Britain called England, &c. of the annual Value of Six hundred Pounds above Rents, Prizes, for every Knight of a Shire, and of Three hundred Pounds above Rents, Prizes for every Citizen, Burghers, &c. And if any Persons elected or returned to serve in any Parliament, as a Knight of a Shire, or as a Citizen, Burghers, &c. shall not at the time of such Election and Return, be seized of, or intitled to such an Estate before required, such Election and Return shall be void.

Nothing in this Act contained shall extend to make the Eldest Son or Heir Apparent of any Peer or Lord of Parliament, or of any Person qualified by this Act to serve as a Knight of a Shire, incapable of being elected and returned, and sitting and voting as a Member of the House of Commons, in any Parliament.

Of the Elected.

73

Nothing in this Act contained, shall extend to either of the Universities in that part of Great Britain called England, but that they may elect and return Members to represent them in Parliament, as heretofore they have done.

No Person shall be qualified to sit in the House of Commons, within the Meaning of this Act, by virtue of any Mortgage, whereof the Equity of Redemption is in any other Person, unless the Mortgagee shall have been in Possession of the mortgaged Premises for Seven Years before the time of his Election.

Every Person (except as aforesaid) who shall appear as a Candidate, or shall by himself, or any others, be proposed to be elected, shall, upon Request (at the time of such Election, or before the Day to be prefixed in the Writ of Summons for the meeting of the Parliament) by any other Person who shall stand as a Candidate at such Election, or by any Two or more Persons having Right to vote at such Election, take a Corporal Oath in the Form (in this Act contained, which see in the Appendix.)

Great Britain.

Elections, for each of the Universities in England also excepted.

No Person qualified by Virtue of a Mortgage, unless in Possession of the mortgaged Premises for Seven Years before his Election.

Candidates to be sworn to their Estates, if required by any other Candidate or two Electors.

The

Great Britain.

before the Sheriff or other Officer by whom the Poll is to be taken, or Return made, or Two more Justices of the Peace.

The Election and Return of Candidates refusing to take the Oath, void.

The respective Oaths aforesaid shall be administered by the Sheriff or Under-Sheriff, for any County, or by the Mayor, Bailiff, or other Officer or Officers for any City, Burrough, &c. to whom it shall appertain to take the Poll, or make the Return at such Election, or by any Two or more Justices of the Peace within England, &c. And if any of the said Candidates, &c. shall wilfully refuse to take the Oath, the Election and Return of such Candidate or Person shall be void.

2 Stat. 12 Annæ.

No Conveyance or Right after the end of this Parliament, whereon Infeoffment is not taken, and Seisin registered a Year before the Teste of the Writs, shall intitle the Person to be elected in any Shire or Stewartry in Scotland.

Enacted, That from and after the Determination of this present Parliament, no Conveyance or Right whereupon Infeoffment is not taken, and Seisin registered One Year before the Teste of the Writs for calling a new Parliament, shall, upon Objection made in this Behalf, intitle the Person or Persons so infeofft, to be elected at that Election in any Shire or Stewartry in that part of Great Britain called Scotland; and in case any Election happen during the Continuance of a Parliament, no Conveyance or Right

what

Great Britain.

The like as to Infeoffments not taken a Year before the Date of the Warrant for a new Writ during the Continuance of a Parliament.

Any Elector present, suspecting Persons to have Estates in trust, may require the *Præses* of the Meeting to swear such to their Estates.

On Refusal to swear and subscribe the Oath incapable to be elected.

whatsoever, whereupon Infeoffment is not taken One Year before the Date of the Warrant for making out a new Writ for such Election, shall, upon Objection made in that Behalf, intitule the Person or Persons so infeoff, to be elected at that Election; and that it shall be lawful for any of the Electors present, suspecting any Person or Persons to have his or their Estates in Trust, and for the Behooof of another, to require the *Præses* of the Meeting to tender the Oath (in this Act contained, which see in the Appendix, intituled, The Form of the Freeholders, &c. Oath, to be taken (upon Objection made) by *Stat. 12 Annæ*, and is the same *mutatis mutandis*) to any Elector, and the said *Præses* is hereby required to administer the same.

In case such Elector refuse to swear, and also to subscribe the said Oath, such Person or Persons shall not be capable of being elected at such Election.

Stat. 1 G. I. ch. 13.

Enacted, That from and after the Twenty-ninth Day of September, in the Year of our Lord One thousand

F

seven

Great Britain.

before the Sheriff or other Officer by whom the Poll is to be taken, or Return made, or Two more Justices of the Peace.

The Election and Return of Candidates refusing to take the Oath, void.

The respective Oaths aforesaid shall be administered by the Sheriff or Under-Sheriff, for any County, or by the Mayor, Bailiff, or other Officer or Officers for any City, Burrough, &c. to whom it shall appertain to take the Poll, or make the Return at such Election, or by any Two or more Justices of the Peace within England, &c. And if any of the said Candidates, &c. shall wilfully refuse to take the Oath, the Election and Return of such Candidate or Person shall be void.

2 Stat. 12 Annæ.

No Conveyance or Right after the end of this Parliament, whereon Infeoffment is not taken, and Seisin registred a Year before the Teste of the Writs, shall intitle the Person to be elected in any Shire or Stewartry in Scotland.

Enacted, That from and after the Determination of this present Parliament, no Conveyance or Right whereupon Infeoffment is not taken, and Seisin registred One Year before the Teste of the Writs for calling a new Parliament, shall, upon Objection made in this Behalf, intitle the Person or Persons so infeofft, to be elected at that Election in any Shire or Stewartry in that part of Great Britain called Scotland; and in case any Election happen during the Continuance of a Parliament, no Conveyance or Right

what

whatsoever, whereupon Infeoffment is not taken One Year before the Date of the Warrant for making out a new Writ for such Election, shall, upon Objection made in that Behalf, intitule the Person or Persons so infeofft, to be elected at that Election; and that it shall be lawful for any of the Electors present, suspecting any Person or Persons to have his or their Estates in Trust, and for the Behoof of another, to require the Præses of the Meeting to tender the Oath (in this Act contained, which see in the Appendix, intituled, The Form of the Freeholders, &c. Oath, to be taken (upon Objection made) by Stat. 12 Annæ, and is the same *mutatis mutandis*) to any Elector, and the said Præses is hereby required to administer the same.

Great Britain.

The like as to Infeoffments not taken a Year before the Date of the Warrant for a new Writ during the Continuance of a Parliament.

Any Elector present, suspecting Persons to have Estates in trust, may require the Præses of the Meeting to swear such to their Estates.

In case such Elector refuse to swear, and also to subscribe the said Oath, such Person or Persons shall not be capable of being elected at such Election.

On Refusal to swear and subscribe the Oath incapable to be elected.

Stat. 1 G. I. ch. 13.

Enacted, That from and after the Twenty-ninth Day of September, in the Year of our Lord One thousand
F seven

Great Britain.

After 29 Sept.
1715. No Mem-
ber to vote be-
fore taking the
Oaths.

seven hundred and fifteen, no Person that now is, or hereafter shall be a Member of the House of Commons, shall vote in the House of Commons, or sit there, during any Debate in the said House of Commons, after the Speaker is chosen, until such Peer or Member shall, from time to time respectively, take the Abjuration Oath (which Oath see in the Appendix) instead of the Oath of Abjuration which before by Law ought to have been taken, in such Manner, and together with such other Oaths, and Declaration against Transubstantiation, as the said former Oath of Abjuration ought to have been taken.

Penalty.

And further enacted, That if any Person that now is, or hereafter shall be a Member of the House of Commons, in this or any succeeding Parliament, and after the said Twentieth ninth Day of September, presume to vote, not having taken the said Oath, and subscribed the same as aforesaid, every such Member so offending shall be disabled to sue or use any Action, Bill, Complaint, or Information in any Court of Law, or to prosecute any Suit in any Court of Equity, or to be Guardian of any Child,

Child, or Executor or Administrator of any Person, or be capable of any Legacy or Deed of Gift, or to be in any Office within this Realm of Great Britain, or to vote at any Election for Members to serve in Parliament, and shall forfeit the Sum of Five hundred Pounds, to be recovered by him or them that shall sue for the same, to be prosecuted by Action of Debt, Suit, Bill, Plaint, or Information, in any of His Majesty's Courts at Westminster, wherein no Essoign, Protection, or Wager of Law shall lie, or any more than one Impar lance, and by way of Summar Complaint before the Court of Sessions, or Prosecution before the Court of Justiciary in Scotland.

Stat. 1 G. I. ch. 56.

Enacted, That no Person having any Pension from the Crown for any Term or Number of Years, either in his own Name, or in the Name or Names of any other Person or Persons in trust for him, or for his Benefit, shall be capable of being elected, or chosen a Member of, or for sitting or voting as a Member of this present or any future House of Commons

Persons having
Pensions from
the Crown in-
capacitated.

Great Britain.

mons which shall be hereafter summoned.

Penalty 20 l.
per Day.

Enacted, That if any Person who shall have such Pension, as aforesaid, at the time of his being so elected, or at any time after, during such time as he shall continue or be a Member of the House of Commons, shall presume to sit or vote in that House, then, and in such case, he shall forfeit Twenty Pounds for every Day in which he shall sit or vote in the said House of Commons, to such Person or Persons who shall sue for the same in any of His Majesty's Courts in Westminster-Hall; and the Monies so forfeited shall be recovered by the Person so suing, with full Costs of Suit, in any of the said Courts, by Action of Debt, Bill, Complaint, or Information, in which no Essoign, Privilege, Protection, or Wager of Law, shall be allowed, and only one Imparlance.

Stat. 3 G. I. ch. 8.

No Member
of the Bank.

Enacted, That no Member of the Bank of England shall be disabled from being a Member of Parliament.

Stat.

Of the Elected.

69

Great Britain.

Stat. 3 G. I. ch. 9.

Enacted, That no Member of the South-Sea Company shall be disabled from being a Member of Parliament.

nor of the
South-Sea
Company,

Stat. 6 G. I. ch. 18.

Enacted, That no Governor, Director, or other Officer of the Corporations for Assurance of Ships, shall be disabled from being a Member of Parliament.

nor Governor,
or of Corporations for Assurance of Ships, disabled from being Members of Parliament.

Stat. 7 G. I. ch. 28.

Enacted, That the late Governor, Deputy-Governor, Directors, Cashier, and Accountant of the South-Sea Company, and John Aislabie Esquire, be disabled for ever to sit or vote in either House of Parliament.

The late Governor and Directors of the *South-Sea* Company disabled.

*Of the Officers returning.**Stat. 5 R. II. ch. 4.*

England.
 Sheriffs neglecting to make Returns, or leaving out the Returns of Cities or Boroughs. shall be amerced, or otherwise punished, as in old Times accustomed.

THE King doth Will and Command, and it is assented in the Parliament by the Prelates, Lords and Commons, that if any Sheriff of the Realm, be from henceforth negligent in making his Returns of Writs of Parliament, or that he leave out of the said Returns any Cities or Boroughs which be bound, and of old Time were wont to come to the Parliament, he shall be amerced, or otherwise punished in the Manner as was accustomed to be done in the said Case in times past.

Stat. 7 H. IV. ch. 15.

Proclamation to be made at the next County-Court after

Ordaigned, &c. That from henceforth (in order to the Elections of Knights of Counties for the Parliament) at

Of the Officers returning.

71

at the next County to be holden after the Delivery of the Writ of the Parliament, Proclamation shall be made in the full County of the Day and Place of the Parliament, and that all they that be there present, as well Suitors duly summoned for the same Cause, as other shall attend to the Election of the Knights for the Parliament, and then in the full County they shall proceed to the Election freely and indifferently, notwithstanding any Request or Commandment to the contrary.

England.

the Delivery of the Writ to the Sheriff for the Election of Knights of the Shires.

And after that they be chosen, the Names of the Persons so chosen (be they present or absent) shall be written in an Indenture under the Seals of all them that did choose them, and tacked to the same Writ of the Parliament, which Indenture so sealed and tacked, shall be holden for the Sheriff's Return of the said Writ touching the Knights of the Shires.

Sheriff's Return after the Election shall be by Indenture (containing the Names of the Persons chosen) sealed by the Electors, and annexed to the Writ.

In Writs of Parliament hereafter to be made, this Clause shall be put; *Et Electionem tuam in pleno Comitatu factam sub sigillo tuo, Et sigillis eorum qui electioni illi interfuerant, nobis in Cancel-*

Of the Officers returning.

*laria nra' ad diem & locum in brevi
contentu' certificates indilate.*

Stat. 11 H. IV. ch. 1.

Of Returns
made by She-
riffs, contrary
to the Statute
7 H. 4. ch. 15.
Justices of Al-
ize impower'd
to inquire, and
on Inquest and
Proof made
thereof, such
Sheriffs to pay
100 l. to the
King.

Forasmuch as in the Statute (7 H. 4. ch. 15.) no Penalty was ordained or limited in special upon the Sheriffs of the County, if they make any Returns contrary of the same Statute, It is ordained that the Justices assigned to take Assizes, shall have Power to inquire at their Sessions of Assizes of such Returns made; and if it be found by Inquest and due Examination before the same Justices that any such Sheriff hath made, or hereafter make any Return contrary to the Tenor of the said Statute, that then the same Sheriff shall incur the Penalty of 100 l. to be paid to our Lord the King.

Stat. 6 Hen. VI. ch. 4.

Sheriffs shall
have their Tra-
verses to In-
quests, &c.
upon the Stat.
7 H. 4. ch. 15.
11 H. 4. ch. 1.

Ordained, &c. That all Sheriffs shall have their Answer and Traverse to Inquests and Offices, before any Justices, of Assizes hereafter to be taken, (upon the Stat. 7 Hen. IV. chapter 15. and 11 Hen. IV. ch. 1.) and the said Sheriffs shall not be endamaged unto

Of the Officers returning.

73

England.

unto our Lord the King, or his Successors, for any such Inquest taken, or to be taken, until they be duly convicted according to the Form of Law.

Stat. 8 Hen. VI. ch. 7.

Provided, &c. That such to be chosen Knights of the Shire as have the greatest number of them that may expend 40 s. by Year and above, shall be returned by the Sheriffs of every County, Knights for Parliament, by Indentures sealed betwixt the said Sheriffs and the said Choosers so to be made.

Sheriffs to return such as have the Majority of those that can expend 40 s. a Year. Knights of the Shire by Indentures betwixt themselves and the Electors.

And every Sheriff of the Realm of England shall have Power to examine upon the Evangelists every such Chooser, how much he may expend by the Year.

The Sheriffs impower'd to examine each Elector upon Oath, how much he can expend a Year.

And if any Sheriff return Knights to come to the Parliament contrary to the said Ordinance, the Justices of Assizes, in their Sessions of Assizes, shall have power thereof to inquire.

Of Sheriffs Returns contrary to this Act. Justices of Assizes are impower'd to inquire.

And if by Inquest the same be found before the Justices, and the Sheriff thereof be duly attainted, that then the said Sheriff shall incur the Penalty of 100 l. to be paid to

If found by Inquest, and the Sheriff thereof attainted, he shall pay 100 l. to the King, and be impris-

our

soned a Year
without Bail.

Of the Officers returning.

our Lord the King, and also that he have Imprisonment by a Year, without being let to Mainprize or Bail.

And that in every Writ hereafter to go forth, Mention shall be made of this Ordinance.

Stat. 23 Hen. VI. ch. 15.

Sheriff, after the Receipt of a Writ of Election, to deliver a Precept under his Seal to every Mayor, Bailiff, &c. of the Cities and Boroughs within his County, reciting his Writ, and commanding them by Citizens and Burgesses, to choose Citizens and Burgesses.

Ordained, &c. That every Sheriff, after the Delivery of any Writ (of Election) to him made, shall make and deliver without Fraud, a sufficient Precept under his Seal to every Mayor and Bailiff, or to Bailiffs or Bailiff where no Mayor is, of the Cities and Boroughs within his County, reciting the said Writ, commanding them by his Precept, if it be by a City, to choose by Citizens of the same City, Citizens, and in the same Manner and Form, if it be a Borough, by the Burgesses of the same, to come to the Parliament.

Mayors, Bailiffs, &c. to return the Precept to the Sheriff, by Indentures of the Election, and the Names of the Elected made betwixt them.

And that the same Mayor and Bailiffs, or Bailiffs or Bailiff, where no Mayor is, shall return lawfully the Precept to the same Sheriff by Indentures betwixt the same Sheriff and them, to be made of the said Elec.

Elections, and of the Names of the said Citizens and Burgeses by them so chosen; and thereupon every Sheriff shall make a good and rightful Return of every such Writ, and of every Return by the Mayors and Bailiffs, or Bailiffs or Bailiff, where no Mayor is, to him made.

Sheriffs thereupon to return the Writ, and every Return made by such Mayors, Bailiffs, &c.

And that every Sheriff, at every time that he doth contrary to this Statute, or any other Statutes for the Election of Knights, Citizens, and Burgeses to come to the Parliament, before this Time made, shall incur the Pain contained in the Statute, made the 8th Year (of the now King's Reign) and moreover shall forfeit and pay to every Person hereafter chosen Knight, Citizen, or Burgess in his County to come to any Parliament, and not duly returned, or to any other Person which in Default of such Knight, Citizen, or Burgess will sue, an Hundred Pound, whereof every Knight, Citizen, and Burgess so grieved, severally, or any other Person which in their Default will sue, shall have his Action of Debt against the said Sheriff, or his Executors or Administrators, to demand and have the said 100l. with his Costs spent in that

Sheriffs acting contrary to this Statute, or any other Statute for Elections, to pay 100l. to the King, and suffer a Year's Imprisonment, without Bail. (per Stat. 8 Hen. 6. ch. 7.) and forfeit to every Person chosen, a Knight, Citizen, or Burgess, and not duly returned, or to any other which in their Default will sue, 100l. to be recovered by Action of Debt against the Sheriff, his Executors, or Administrators, with Costs, wherein no Wager of Law, &c. to be allowed.

Case,

England.

Mayors, Bailiffs, &c. returning other than those chosen by Citizens and Burgeses, shall forfeit 40*l.* to the King, and to every Person chosen a Citizen or Burges, and not by them returned, or to any other that in Default of such Citizen or Burges will sue, 40*l.* (*more*) to be recovered by like Action of Debt, with Coits.

Case, and that in such Action taken by Virtue of this Statute, the Defendant shall not wage his Law of the Demand aforesaid in any wise. And that no Defendant in such Action shall have any Essoign.

And in the same manner at every Time that any Mayor and Bailiffs or Bailiffs or Bailiff, where no Mayor is, shall return other than those which be chosen by the Citizens and Burgeses of the Cities or Boroughs where such Elections be, or shall be made, shall incur and forfeit to the King 40*l.* and moreover shall forfeit and pay to every Person hereafter chosen Citizen or Burges to come to the Parliament, and not by the same Mayor and Bailiff, or Bailiff or Bailiffs where no Mayor is, returned, or to any other Person, which in Default of such Citizen or Burges so chosen will sue, 40*l.* whereof every of the Citizens and Burgeses so grieved severally, or any other Person which in their Default will sue, shall have his Action of Debt against every of the said Mayor and Bailiffs, or Bailiffs or Bailiff where no Mayor is, against their Executors or Administrators, to demand and have of every of the said

Of the Officers returning.

77

England.

said Mayors and Bailiffs, or Bailiffs or Bailiff where no Mayor is, 40 l. with his Costs in this Case expended.

And that in such Action of Debt taken by Force of this Statute, no Defendant in any wise shall wage his Law of the said Demand, nor have any Essoign.

And that every Sheriff that maketh no due Election of Knights to come to the Parliament in convenient Time, (that is to say) every Sheriff in his full County, betwixt the Hour of Eight and the Hour of Eleven before Noon, without Collusion in this Behalf; and that maketh not good and true Return of such Elections of Knights to come to the Parliament, in time to come, as to them pertaineth, in Manner and Form aforesaid, shall forfeit to the King an Hundred Pound, and also shall incur the Pain of 100 l. to be paid to him that will sue against him, his Executors or Administrators, for this Cause, by way of Action of Debt, with his Costs in this Behalf expended, without waging of Law of his Demand, or having Essoign as afore is said.

Sheriff not making Election of Knights of the shire in a full County Court, between 8 and 11 in the Morning, and a good Return accordingly, to forfeit 100 l. to the King, and 100 l. more to him that will sue, to be recovered by like Action of Debt, with Costs.

Provided

England.

Such Actions to be brought by such Knight, Citizen, and Burgeses within 3 Months after the Commencement of such Parliament, and to be proceeded in without Fraud. And after that time by any other.

Like Proceſs to be in ſuch Actions as in Treſpaſs at Common Law.

Provided, That Knights of the Shires be Knights of the Counties they ſhall be elected for, or Eſquires or Gentlemen, able to be Knights, and not Yeomen or under.

Provided always, That every Knight, Citizen, and Burgeses to come to any Parliament hereafter to be holden in due Form choſen, and not returned as afore is ſaid, ſhall begin his Action of Debt afore, within three Months after the ſame Parliament commenced, to proceed in the ſame Suit effectually without Fraud. And if he doth not ſo, another that will ſue ſhall have the ſaid Action of Debt, (as it is before ſaid) and ſhall recover the ſame with his Coſts ſpent in this Behalf, in Manner and Form aforeſaid, ſo that no Defendant in ſuch Action ſhall wage his Law, nor be eſſoign'd in any wiſe, as afore is ſaid. And that ſuch Proceſs ſhall be in the Actions aforeſaid, as in a Writ of Treſpaſs done againſt the Peace at the Common Law.

So that the Knights of the Shires for the Parliament hereafter to be choſen, ſhall be notable Knights of the ſame Counties for which they ſhall be choſen, or otherwiſe ſuch notable Eſquires or Gentlemen, (after born) of the ſame Counties, as ſhall be able to be Knights; and no Man to be ſuch Knight which ſtandeth in the Degree of a Peoman and under.

Of the Officers returning.

79

England.

Stat. 27 H. VIII. ch. 26.

Enacted, &c. That Elections shall be made for the Sheriffs and Boroughs in Monmouth-Shire (heretofore part of Wales) and in Wales, in like Manner, Form, and Order as Knights and Burgesses of the Parliament be elected and chosen in other Shires of this Realm.

Duties of Sheriffs and other returning Officers in Wales, like the same in England.

Stat. 34 & 35 H. VIII. ch. 13.

Enacted, &c. That the County Palatine of Chester shall have two Knights for the said County Palatine, and likewise two Citizens to be Burgesses for the City of Chester, to be elected and chosen by Process to be awarded by the Chancellor of England unto the Chamberlain of Chester, his Lieutenant or Deputy for the time being, and so like Process to be made by the Chamberlain, his Lieutenant or Deputy, to the Sheriff of the said County of Chester, and the same Election to be made in like Manner and Form to all Intents, Construtions, and Purposes, as is used within the County Palatine of Lancaster, or any other County and City within this Realm of England, which

Writ of Election under the Great Seal for Elections in Chester, to be directed to the Chamberlain, &c. of Chester, and his Precept thereon to the Sheriff of the County.

England.

Sheriff of *Ches-*
ster to make
like Returns,
and on like
Pains as other
Sheriffs,

which said Knights and Burgeses,
and every of them so elected and cho-
sen, shall be returned by the said
Sheriff into the Chancery of Eng-
land in due Form, and upon like
Pains as it is ordained that the
Sheriff or Sheriffs of any other
County should make their Return
in case like.

Stat. 35 H. VIII. ch. 11.

Mayors, Bai-
liffs, &c. of the
twelve Shire-
Towns in
Wales, and of
Monmouthshire,
shall summon
the Burgeses as
well of all o-
ther Cities, Bo-
roughs, and
Towns in those
Counties as of
Burgeses of
those Towns
themselves, to
come to Elec-
tions.

Enacted, &c. That the Burgeses
of all and every Cities, Boroughs,
and Towns (in the twelve Shires with-
in *Wales* and County of *Monmouth* not
finding Burgeses for the Parliament
themselves and contributory to Wages
of Burgeses of such Shire-Towns) shall
be lawfully admonished by Procla-
mation or otherwise by the Mayors,
Bailiffs, and other Head Officers
of the said Towns, or by one of
them, to come and give their Elec-
tions for the electing the said Bur-
geses at such Time and Place law-
ful and reasonable, as shall be as-
signed for the same Intent by the
said Mayors, Bailiffs, and other
Head Officers of the said Shire-
Towns, or by one of them.

Of the Officers returning.

81

England.

Stat. 25 Car. II. ch. 9.

Enacted, &c. That the County Palatine of Durham may have two Knights for the same County, and the City of Durham two Citizens to be Burgesses for the same City for ever hereafter to serve in the High Court of Parliament, to be elected and chosen by Writ to be awarded by the Lord Chancellor or Lord Keeper of the Great Seal of England for the Time being, in that Behalf, to the Lord Bishop of Durham, or his Temporal Chancellor of the said County of Durham, and a Precept to be thereupon grounded and made by the Lord Bishop of Durham, or his Temporal Chancellor for the Time being, to the Sheriff of the said County for the time being; and the same Election from time to time to be made in Manner and Form following (that is to say) the Elections of the Knights to serve for the said County Palatine from time to time to be made by the greater Number of the Freeholders of the said County Palatine of Durham, which from time to time shall be present at such Elections, accordingly as is used in other Counties of this Kingdom, and that the Election of

G

the

Writ of Election under the Great Seal, for Elections in Durham, to be directed to the Bishop of Durham, &c. and his Precept thereon to the Sheriff of that County.

England.

Sheriff of *Dur-*
ham to make
like Returns,
and under like
Pains, as other
Sheriffs.

the said Burgesſes from time to time to ſerve in the High Court of Parlia- ment for the City of Durham, to be made from time to time by the ma- jor part of the Mayor, Aldermen, and Freemen of the ſaid City of Dur- ham, which from time to time ſhall be preſent at ſuch Elections, which ſaid Knights and Burgeſſes, and e- very of them ſo elected or choſen, ſhall be returned by the ſaid Sheriff into the Chancery of England in due Form, and upon the like Pains as be ordained for the Sheriff or She- riffs of any other County of this Kingdom to make his or their Re- turns in like Caſes.

Stat. 7 & 8 W. III. ch. 7. Continued
by *Stat. 12 & 13 W. III. ch. 5.*

False Returns
illegal and pro-
hibited, and all
made contrary
to the laſt De-
termination of
the Right of E-
lection in the
House of Com-
mons adjudged
a falſe Return.

Enacted, &c. That all falſe Re- turns wilfully made of any Knight of the Shire, Citizen, Burgeſs, Baron of the Cinque Ports, or o- ther Members to ſerve in Parlia- ment, are againſt Law, and are here- by prohibited, and in caſe that any Perſon or Perſons ſhall return any Member to ſerve in Parliament for any County, City, Borough, Cinque Port, or Place, contrary to the laſt

Deter;

Of the Officers returning.

83

England.

Determination in the House of Commons of the Right of Election in such County, City, Borough, Cinque Port, or Place, that such Return so made, shall, and is hereby adjudged to be a false Return.

The Party so grieved (to wit) every Person that shall be duly elected to serve in Parliament for any County, City, Borough, Cinque Port, or Place, by such false Return, may sue the Officers and Persons making or procuring the same, and every or any of them at his Election, in any of His Majesty's Courts of Record at Westminster, and shall recover double the Damages he shall sustain by reason thereof, together with his full Costs of such Suit.

Officers, &c.
making such
false Return, li-
able to an Ac-
tion at the Suit
of any duly
elected in any
of the Courts at
Westminster
with double
Damages and
full Costs.

Any Officer that shall wilfully, falsely, and maliciously return more Persons than are required to be chosen by the Writ or Precept on which any Choice is made, the like Remedy may be had against him or them, and the Party or Parties that wilfully procure the same, and every or any of them, by the Party grieved at his Election.

Officers, &c.
falsly, &c.
making double
Returns liable
to the like Ac-
tion.

All Contracts, Promises, Bonds, and Securities whatsoever hereafter made or given, to procure any Re-
turn

Contracts,
Bonds, &c.
given to pro-
cure the Re-

England.

turn of any Member adjudged void, and such as make or give them to procure any false or double Return, forfeit 300 l. one third to the King, another to the Poor of the County, City, &c. and a third to the Informer, with his Costs, to be recovered by Action of Debt, &c. wherein no Essoign, &c. and but one Impar lance to be allowed.

turn of any Member to serve in Parliament, or any thing relating thereunto, be adjudged void, and that whoever makes or gives such Contract, Security, Promise, or Bond, or any Gift or Reward to procure such false or double Return, shall forfeit the Sum of 300 l. one third Part thereof to be to his Majesty, another third Part thereof to the Poor of the County, City, Borough, or Place concerned, and one third Part thereof to the Informer, with his Costs to be recovered in any of His Majesty's Courts of Record at Westminster by Action of Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law shall be allowed, nor more than one Impar lance.

The Clerk of the Crown to keep a Book of Entry of every single and double Return, and of every Alteration and Amendment in every such Return, whereto all Persons to have Access, and take Copies of so much as desired, at a reasonable Fee. And if the Clerk of the Crown makes not such Entry in Six Days after any Return, or alters any Return without Order of the House of Commons, or gives a Certificate of any Person not returned, or wilfully neglects or omits his Duty

here-

Of the Officers returning.

85

herein, to forfeit 500*l.* for each Offence to the Party grieved, to be recovered as aforesaid, and lose his Office, and be for ever incapable of holding it.

England.

Every Information or Action brought upon this Statute, shall be brought within the Space of Two Years after the Cause of Action shall arise, and not after.

Informations or Actions on this Statute to be brought within two Years after the Cause of Action.

Stat. 7 & 8 W. III. ch. 25.

Enacted, &c. That when any New Parliament shall at any time hereafter be summoned or called, there shall be Forty Days between Teste and Returns of the Writs of Summons, and that the Lord Chancellor, Lord Keeper, or Lords Commissioners of the Great Seal for the Time being, shall issue out Writs for Election of Members to serve in the same Parliament with as much Expedition as the same may be done. And that as well upon the calling or summoning any New Parliament, as also in case of any Vacancy in Parliament, the several Writs shall be delivered to the proper Officer to whom the Execution thereof doth belong or appertain, and to no other Person

Writs of Summons to Parliament to have forty Days between the Teste and Returns, and be issued with all Expedition, and delivered to the proper Officer to whom its Execution belongs, who shall indorse thereon the Day he received it, and within three Days issue out his Precept to the like proper Officer of each Borough, &c. that elects, who shall also indorse the Day

England.

of his Receipt
of the Precept
in the former's
Presence, and
proceed to E-
lection in eight
Days, and give
four Days No-
tice of the Day
appointed.

Person whatsoever. And that every such Officer, upon the Receipt of the same Writ, shall upon the back thereof indorse the Day he received the same, and shall forthwith, upon the Receipt of the Writ, make out the Precept or Precepts to each Borough, Town Corporate, * Port, or Place within his Jurisdiction, where any Member or Members are to be elected to serve in such New Parliament, or to supply any Vacancy in Parliament, and within three Days after the Receipt of the said Writ of Election, shall by himself or proper Agent deliver or cause to be delivered such Precept or Precepts to the proper Officer of every such Borough, Town Corporate, Port, or Place within his Jurisdiction, to whom the Execution of such Precept doth belong or appertain, and to no other Person whatsoever. And every such Officer, upon the back of the same Precept, shall indorse the Day of his Receipt thereof in the Presence of the Party from whom he received such Precept, and shall forthwith cause Notice to be given of the

* Proper Officer of the Cinque Ports allowed six Days from the Receipt of the Writ for the Delivery, by a subsequent Statute, 10 & 11 W. III. ch. 7.

Time

Of the Officers returning.

87

England.

Time and Place of Election, and shall proceed to Election thereupon within the Space of eight Days next after his Receipt of the same Precept, and give four Days Notice at least of the Day appointed for the Election.

Neither the Sheriff nor his Under-Sheriff in any County or City, nor the Mayor, Bailiff, Constable, Portreeve, or other Officer or Officers of any Borough, Town Corporate, Port or Place, to whom the Execution of any Writ or Precept for electing Members to serve in Parliament, doth belong or appertain, shall give, pay, receive or take any Fee, Reward, or Gratuity whatsoever for the making out, Receipt, Delivery, Return, or Execution of any such Writ or Precept.

No Sheriff or Under-Sheriff in any County or City, nor Mayor, or other Officer or Officers of any Borough, Town Corporate, Port or Place to whom the Execution of any Writ or Precept belongs, to pay or receive any Fee, or in the making out, Receipt, Delivery, Return, or Execution of the same.

Upon every Election to be made of any Knight or Knights of the Shire to serve in Parliament, the Sheriff of the County where such Election shall be made, shall hold his County-Court for the same Election at the most publick and usual Place of Election within the said County, and where the same has most usually been for 40 Years last past, and shall there proceed to Election at the next Coun-

Sheriff, for Election of Knights of the Shire, to hold his County-Court where the same has been most usually kept for forty Years last, and proceed to the Election the next Court, unless it happen within six

England.

Days after the Receipt of the Writ, or the same Day, and then to adjourn, giving ten Days notice of the time and place. If a Poll required, the Sheriff, &c. forthwith to proceed thereon publickly and appoint Clerks to take the Poll in his, &c. Presence, who shall be sworn by him, &c. to take it indifferently, and to set down each Free-holder's Name, the Place of his Free-hold, and for whom he polls, and to poll no Free-holder not sworn, if requir'd by any Candidate.

ty-Court, unless the same fall out to be held within six Days after the Receipt of the Writ, or upon the same Day, and then shall adjourn the same Court to some convenient Day, giving ten Days Notice of the Time and Place of Election; and in case the said Election be not determined upon the View with the Consent of the Free-holders there present, but that a Poll shall be required for the Determination thereof; then the said Sheriff, or in his Absence, the Under-Sheriff, with such others as shall be deputed by him, shall forthwith there proceed to take the said Poll in some open or publick place or places, by the same Sheriff, or his Under-Sheriff in his Absence, or others appointed for the taking thereof as aforesaid: And for the more due and orderly proceeding in the said Poll, the said Sheriff, or in his Absence his Under Sheriff, or such as he shall depute, shall appoint such Number of Clerks as to him shall seem meet and convenient, for the taking thereof, which Clerks shall all take the said Poll in the Presence of the said Sheriff, or his Under-Sheriff, or such as he shall depute; and before they begin to take the

the said Poll, every Clerk so appointed shall by the said Sheriff, or his Under-Sheriff aforesaid, be sworn truly and indifferently to take the same Poll, and to set down the Names of each Free-holder, and the Place of his Free-hold, and for whom he shall poll, and to poll no Free-holder who is not sworn, if so required by the Candidates, or any of them (which Oath of the said Clerks, the said Sheriff or his Under-Sheriff, or such as he shall depute, are hereby impowered to administer) and the Sheriff or his Under-Sheriff shall appoint for each Candidate, such one Person as shall be nominated to him by each Candidate to be Inspectors of every Clerk, who shall be appointed for taking the Poll, and every Freeholder before he is admitted to poll at the same Election, shall, if required by the Candidates, or any of them, first take the Oath (in this Act contained, which see in the Appendix.) Which Oath the Sheriff by himself, or his Under-Sheriff, or such sworn Clerks by him appointed for taking the said Poll as aforesaid, are hereby authorized to administer.

Sheriffs, &c. to appoint for each Candidate one Person nominated by such Candidate, to be Inspectors of every Clerk of the Poll.

And to swear each Freeholder before his Poll be taken, if by any Candidate required, to his Freehold.

The said Sheriff, or in his Absence his

Sheriff, &c. at the Place of

England.

Election to proceed to the Poll, and not adjourn the County-Court to any other Place, without the Candidates Consent, nor without such Consent delay or discontinue the Poll.

his Under-Sheriff, or such as he shall depute as aforesaid, shall at the Place of Election proceed to the Polling all the Free-holders then and there present, and shall not adjourn the County-Court then and there held to any other Town and Place within the same County, without the Consent of the Candidates, nor shall by any unnecessary Adjournment in the same Place of Election, protract or delay the Election; but shall duly and orderly proceed to take the said Poll from day to day, and time to time, without any further or other Adjournment, without the Consent of the Candidates, until all the Free-holders then and there present shall be polled.

Sheriffs, Mayors, &c. to deliver to any Person desiring it, a Copy of the Poll, paying reasonably for writing it.

Sheriffs, Mayors, &c. for every wilful Offence con-

Every Sheriff, Under-Sheriff, Mayor, Bailiff, and other Officer to whom the Execution of any Writ or Precept shall belong, for the electing Members to serve in Parliament, shall forthwith deliver to such Person or Persons as shall desire the same, a Copy of the Poll taken at such Election, paying only a reasonable Charge for writing the same; and every Sheriff, Under-Sheriff, Mayor, Bailiff, and other Officer to whom the Execution of any Writ

England.

or Precept for electing of Members to serve in Parliament doth belong, for every wilful Offence contrary to this Act, shall forfeit to every Party so aggrieved the Sum of five hundred Pounds, to be recovered by him or them, his or their Executors or Administrators, together with full Costs of Suit, and for which he or they may sue by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts at Westminster, wherein no Essoign, Protection, Wager of Law, Privilege, or Imparllance shall be admitted or allowed.

Contrary to this Act, forfeits to each Party grieved 500 l. to be recovered by him, his Executors, &c. with full Costs, by Action of Debt, &c. wherein no Essoign, &c. to be allowed.

Every Return of any Person under the Age of twenty-one Years, is thereby declared to be null and void.

The Return of any Person chosen under 21 Years, void.

All County Courts to be held for the County of York, or any other County Courts, which heretofore used to be held on a Monday, shall be called and begun upon a Wednesday, and not otherwise, any Custom or Usage to the contrary notwithstanding.

County Courts for Yorkshire and others used to be held on a Monday, to be called and held on a Wednesday.

The Sheriff of the County of Southampton, or his Deputy, at the Request of one or more of the Candidates for Election of a Knight or Knights

Sheriff, &c. of Hampshire, at the Request of any Candidate of that County,

England.

to adjourn at
ter the end of
the Poll at Win-
chester to New-
port in the Isle
of Wight.

Knights of that County, shall ad-
journ the Poll from Winchester, af-
ter every Freeholder then and there
present is polled, to Newport in the
Isle of Wight, for the Case of the
Inhabitants of the said Island, any-
thing in this Act contained to the
contrary notwithstanding.

Stat. 7 & 8 W. III. ch. 27.

Sheriffs, &c.
on the Poll at
any Election, to
administer the
Oaths of Alle-
giance and Su-
premacy to E-
lectors, (and if
Quakers, the
Declaration of
Fidelity) at the
Request of any
Candidate, and
on Refusal, not
to admit them
to vote.

Enacted, &c. That no Person
which shall refuse to take the Oaths
(of Allegiance and Supremacy, which
see in the Appendix) directed by an Act
made in the first Year of the Reign
of His present Majesty and the late
Queen Mary, or being Quakers,
shall refuse to subscribe the Declara-
tion of Fidelity directed by one other
Act of Parliament made in the said
first Year of the Reign of His pre-
sent Majesty and the late Queen
(which see also in the Appendix) (which
Oaths and Subscription respectively
the Sheriff or chief Officer taking
the Poll at any Election of Mem-
bers to serve in Parliament, at the
Request of any one of the Candidates
are hereby impowered and required
to administer) shall be admitted to
give any Vote for the Election of
any

Of the Officers returning.

93

England.

any Knight of the Shire, Citizen, Burgess, or Baron of the Cinque-Ports to serve in Parliament.

Stat. 10 & 11 W. III. ch. 7.

Enacted, &c. That the Sheriff or other Officer having the Execution and Return of any Writ to Parliament for the future, shall on or before the Day that any future Parliament shall be called to meet, and with all convenient Expedition, not exceeding fourteen Days after any Election made by virtue of any new Writ, either in Person, or by his Deputy, make Returns of the same to the Clerk of the Crown in the High Court of Chancery, to be by him filed, &c. and pay to the Clerk of the Crown 4 s. for every Knight of the Shire, and 2 s. for every Citizen, Burgess, &c. which the Sheriff, &c. shall charge to the King, and have allowed upon his Account.

The proper Officer of the Cinque-Ports shall be allowed six Days from the Receipt of such Writ for the Delivery of the Precept according to the Purport of the Act (7 & 8 W. III. ch. 25.) any thing in the said Act, or any other Law, Statute, or Usage

Sheriffs, &c. by themselves or Deputies, on or before the Day any Parliament shall be called to meet, and not exceeding fourteen Days after any Election made, to make his Return to the Clerk of the Crown, &c.

(See the Stat. 7 & 8 W. III. ch. 25. page 86.)

Great Britain.

Sheriffs, &c.
not making
Returns ac-
cordingly, to
forfeit for each
Offence 500 l.
one Moiety to
the King, the
other to him
that will sue by
Action of Debt,
&c. wherein
no Essoign, &c.
to be allowed,
and but one
Impar lance.

Usage to the contrary in any wise notwithstanding.

Every Sheriff or other Officer or Officers aforesaid, who shall not make the Returns, according to the true Intent and Meaning of this Act, shall forfeit for every such Offence the Sum of 500 l. one Moiety whereof shall be to His Majesty, and the other Moiety to him or them that will sue for the same, to be recovered by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at Westminster, wherein no Essoign, Protection, or Wager of Law shall be allowed, nor more than one Impar lance.

Stat. 6 Annæ, ch. 6.

Writs to issue
to the respec-
tive Sheriffs or
Stewarts, for
choosing the
45 Representa-
tives of Scot-
land to Parlia-
ment.

Enacted, &c. That when any Parliament shall hereafter be summoned or called, the Forty-five Representatives of Scotland, in the House of Commons in the Parliament of Great Britain, shall be elected and chosen by Authority of the Queen's Writs, under the Great Seal of Great Britain, directed to the several Sheriffs and Stewards of the respective Shires and Stewartries, and the said several Sheriffs and Stew-

shall, on Receipt of such Writs, forthwith give notice of the Time of Election for the Knights or Commissioners for their respective Shires or Stewartries: And the Clerks of the said Meetings, immediately after the said Elections are over, shall respectively return the Names of the Persons elected to the Sheriff or Steward of the Shire or Stewartry, who shall annex it to his Writ, and return it with the same into the Court out of which the Writ is issued.

And as to the Manner of Election of the Fifteen Representatives of the Royal Boroughs, the Sheriff of the Shire of Edinburgh shall, on Receipt of the Writ directed to him, forthwith direct his Precept to the Lord Provost of Edinburgh, to cause a Burges to be elected for that City, and their Common Clerk shall certify the Name of the Member elected to the Sheriff of Edinburgh, who shall annex it to his Writ, and return it with the same into the Court, from which the Writ issued.

As to the other Royal Burghs divided into fourteen Classes or Districts, the Sheriffs or Stewards of the several Shires and Stewartries shall, on the Receipt of their several Writs,

Great Britain.

Sheriffs, &c. thereon, forthwith to give notice of the time of Election for the Shires.

Clerks of the Meetings forthwith to return the Names of the elected to the Sheriff, who is to annex and return it with his Writ.

Sheriff of Edinburgh, on Receipt of his Writ, forthwith to direct his Precept to the Lord Provost, for electing the Burges for that City.

Common Clerk of Edinburgh, to certify the Name of the elected to the Sheriff, who is to annex and return it with the Writ.

Sheriffs, &c. in like manner to direct their Precepts to the Royal Burghs, for the electing a Commissioner

Great Britain.

for each, and the Commissioners of each District to meet at the presiding Borough (by name) for each District on the thirtieth Day after the Teste of the Writ, unless *Sunday*, and then *Monday*, to choose their Burgeſſes.

Common Clerk of ſuch preſiding Borough forthwith to return the Name of the elected to the Sheriff, &c in whose ſhire ſuch Borough is, who is to annex and return it with his Writ.

Writs, forthwith direct their ſeveral Precepts to every Royal Borough within their reſpective Shires or Stewartries, reciting therein the Contents of the Writ and the Date thereof, and commanding them forthwith to elect each of them a Commissioner as they uſed formerly to elect Commissioners to the Parliament of Scotland, and to order the ſaid reſpective Commissioners to meet at the preſiding Borough of their reſpective District (naming the ſaid preſiding Borough) upon the thirtieth Day after the Day of the Teſte of the Writ, unleſs it be upon the Lord's Day, commonly called Sunday, and then the next Day after, and then to chooſe their Burgeſſes for the Parliament: And the Common Clerk of the then preſiding Borough ſhall immediately after the Election return the Name of the Perſon ſo elected to the Sheriff or Stewart of the Shire or Stewartry wherein ſuch preſiding Borough is, who ſhall annex it to his Writ, and return it with the ſame into the Court from whence the Writ iſſued. And in caſe a Vacancy ſhall happen in time of Parliament, by the Deceaſe or legal Incapacity of any Member,

new

new Member shall be elected in his room, conformable to the Method herein before appointed; and in case such Vacancy be of a Representative for any one of the said fourteen Classes or Districts of the said Royal Boroughs, that Borough which presided at the Election of the deceased or disabled Member, shall be the presiding Borough at such new Election.

Provided always that upon the issuing of the Writs of Summons for the electing of a Parliament, if any Shire or Stewartry where a Royal Borough is, hath not then a Turn or Right to elect a Commissioner or Knight of the Shire or Stewartry for that Parliament, that then it shall be omitted out of the Writ, directed to such Sheriff or Stewart, to cause a Knight or Commissioner for that Shire or Stewartry to be elected for that Parliament.

Stat. 6 Annæ, ch. 23.

Enacted, &c. That every Person who shall refuse to take the Oath (of Abjuration, which see in the Appendix) or being a Quaker, shall refuse to declare the Effect thereof upon his solemn Affirmation, as directed by an

Great Britain.

Like Method to be taken by Sheriffs, &c. in case of Vacancy in Parliament-time, by Decease or Incapacity of a Member; and if for a Burgh the presiding Burgh at the first to preside at the new Election.

In Writs to Sheriffs, the Election of a Knight to be omitted, if the Shires (where a Royal Burgh is) have not then a Turn to elect.

Sheriffs, Presidents of Meetings, &c. on the Poll at any Election of Members of Parliament for Great Britain,

Great Britain.

or of Commissioners for choosing Burgesses for Scotland, at the Request of any Candidate or others to administer the Abjuration Oath, (or upon Affirmation to Quakers) and Electors refusing it inabled to vote.

An Act of Parliament made in the seventh Year of the Reign of His late Majesty King William, (the Form whereof see also in the Appendix) which Oath or Declaration the Sheriff, President of the Meeting, or chief Officer taking the Poll at any Election of Members to serve in the House of Commons for any Place in Great Britain, or Commissioners for choosing Burgesses for any Place in Scotland, at the Request of any Candidate or other Person present at such Election, are hereby impower'd and requir'd to administer, shall not be capable of giving any Vote for the Election of any such Member to serve in the House of Commons, for any Place in Great Britain, or Commissioners to choose a Burgess for any Place in Scotland.

Stat. 9 Annæ, ch. 5.

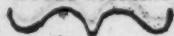
Candidate to be sworn to his Estate, if required by any other Candidate, or two Electors.

Enacted, That every Person (except the eldest Son or Heir Apparent of a Peer, or of a Person qualified by this Act to serve as Knight of a Shire, or such as shall be elected for each of the Universities of England) shall upon Request, at the time of the Election, or before the Day to be prefixed in the Writ

Of the Officers returning.

99

Great Britain.



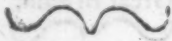
of Summons for the Meeting of (a-
ny Subsequent) Parliament, by any
other Person who shall stand Candi-
date at such Election, or by any two
or more Persons having a Right to
vote at such Election, take a Corpo-
ral Oath in the Form, (in this Act
contained, which see in the Appendix.)

The respective Oaths aforesaid shall
be administered by the Sheriff or Un-
der-Sheriff for any County, or by
the Mayor, Bailiff, or other Officer
or Officers for any City, Borough,
&c. to whom it shall appertain to
take the Poll, or make the Return
at such Election, or by any two or
more Justices of the Peace within
England, &c. and the said Sheriff,
Mayor, Bailiff, or other Officers;
and the said Justices of the Peace
respectively are hereby required to
certify the taking thereof into Her
Majesty's High Court of Chancery,
or the Queen's Bench, within three
Months after the taking the same,
under the Penalty of forfeiting one
hundred Pounds, one Moiety to the
Queen, and the other Moiety to such
Person or Persons as will sue for
the same, to be recovered with full
Costs of Suit, by Action of Debt,
Bill, Plaint, or Information, in a-

The Oaths to
be administred
by the Sheriff
or other Officer
by whom the
Poll is to be
taken, and Re-
turn made, or
two or more
Justices of the
Peace.

Who are to cer-
tify the same
into the Chan-
cery or Queen's
Bench within
three Months,
under 100 *l*.
Forfeiture, to
be recovered
by Action of
Debt, &c. half
to the Queen,
and half to him
that sues, with
full Costs.

Great Britain.



1 s. only to be paid for the Oath, 2 s. for making, and 2 s. for filing the Certificate, under 20 l. Forfeiture, to be recovered and divided as above.

ny of Her Majesty's Courts of Record at Westminster.

No Fee or Reward shall be taken for administering any Oath, or making, receiving, or filing the Certificate thereof, except one Shilling for administering the Oath, and two Shillings for making the Certificate, and two Shillings for receiving and filing the same, under the Penalty of twenty Pounds to be forfeited by the Offender, and to be recovered and divided as aforesaid.

Stat. 10 Annæ, ch. 23.

Sheriff, &c. to swear each Freeholder, if by any Candidate or Voter required.

Sheriff, &c. shall enter the Place of the Elector's Freehold, of his Abode, and Jurat' against the Name of every Voter sworn, and

Enacted, That upon every Election to be made of a Knight of a Shire within England, every Freeholder before he is admitted to poll, shall, if required by the Candidates, or any of them, or any other Person having a Right to vote, first take the Oath (in this Act contained, which see in the Appendix) which Oath the Sheriff, &c. is to administer: And in taking the Poll, the Sheriff, &c. shall enter not only the Place of the Elector's Freehold, but also the Place of his Abode, and Jurat' against the Name of every Voter, who shall be tender'd and take the Oaths here-

by

Of the Officers returning.

101

Great Britain.

within twenty Days after the Elections deliver the Poll-Books upon Oath to the Clerk of the Peace, &c.

by required; and the Sheriff, or returning Officer, shall within twenty Days after such Election, deliver over upon Oath (to be administred by the two next Justices of the Peace, one of the *Quorum*) unto the Clerk of the Peace of the same County, all the Poll-Books of such Elections, and in Counties where there are more than one Clerk of the Peace, the Original to one, and attested Copies to the rest, to be kept among the Records of the Sessions of the Peace for the County: And if any Quaker, during the Continuance of an Act, (7 Guil. III.) Intituled, An Act that the solemn Affirmation and Declaration of the People called Quakers, shall be accepted instead of an Oath in the usual Form) shall upon such Election, if required by the Candidates, or any of them, declare the Effect of the said Oath upon his solemn Affirmation in such Manner and Form as is directed by the said Act, every such Quaker shall be capable and admitted to give his Vote for the Election of any such Member within England; and every Sheriff, &c. is hereby authorized and required to accept such Affirmation instead of the said Oath, and shall enter Af-

Sheriff, &c. to admit any Quaker to vote during the Act 7 W. III. and accept his Affirmation to the Effect of the Oath, according to the said Act, instead thereof; and enter Affirmat against the Name of such Quaker.

Great Britain.

 firmat' against the Name of every such Quaker.

2 Stat. 12 Annæ.

Præses of the Meeting upon Request of any Elector of a Shire or Stewartry in *Scotland*, to swear either Elector or Candidate to their Estates.

Enacted, That any of the Electors present, suspecting any Person or Persons (either Electors or Candidates for Shires or Stewartries in *Scotland*, after the End of this present Parliament) to have his or their Estates in trust, and for the Behoof of another, may require the *Præses* to the Meeting, to tender the Oath, (in this Act contained, which see in the Appendix) and the said *Præses* is hereby impowered and required to administer the same.

Returning Officers to return Persons elected by a Majority of Freeholders inrolled, and those admitted by them, with Liberty of objecting, &c.

Returning Officers are hereby ordained to make their Returns of the Persons elected by the Majority of the Freeholders inrolled, and those admitted by them, reserving always the Liberty of objecting against the Persons admitted to, or excluded from the Poll, as formerly.

Sheriffs and Stewarts under 50 l. Penalty, half to the Queen, half to him that sues before the Court of Session, &c. to make publick Intimation at

All Sheriffs of Shires and Stewarts of Stewartries shall, under the Pain of 50 l. Sterling, one Moiety whereof shall be to the Queen, her Heirs and Successors, and the other Moiety to the Person or Persons who shall sue for the same, to be recovered

Great Britain.

the Parish-
Churches with-
in their Juris-
dictions 3 Days
before the Diet
of Elections,

covered before the Court of Session,
by any Action summarily, without
abiding the Course of the Roll, to
make the publick Intimations requi-
red by the Laws of Scotland, at the
several Parish-Churches within their
respective Jurisdictions, at least three
Days before the Diet of Elections.

Stat. 2 G. II. ch. 24.

Enacted, That the Oath or Affir-
mation (which see in the Appendix,) the
Officer or Officers presiding, or ta-
king the Poll at such Election, is
and are hereby impowered and re-
quired to administer gratis, if de-
manded, upon Pain to forfeit the
Sum of Fifty Pounds of lawful
Money of Great Britain, to any Per-
son that shall sue for the same, to be
recovered, together with full Costs
of Suit, by Action of Debt, Bill,
Plaint, or Information in any of
His Majesty's Courts of Record at
Westminster, wherein no Essoign,
Protection, Wager of Law, or more
than one Imparllance shall be admit-
ted or allowed; and if the said Of-
fence shall be committed in that Part
of Great Britain called Scotland, then
to be recovered, together with full

Presiding Offi-
cer to admini-
ster the Oath
or Affirmation,
on Forfeiture
of 50 l.

Great Britain.

Costs of Suit, by summary Action, or Complaint before the Court of Session, or by Prosecution before the Court of Iusticiary there, for every Neglect or Refusal so to do; and no Person shall be admitted to poll, till he has taken and repeated the said Oath in a publick Manner, in case the same shall be demanded as aforesaid, before the returning Officer or such others as shall be legally deputed by him.

Sheriff or other returning Officer admitting any to be polled, before sworn, to forfeit 100 £.

Enacted, That if any Sheriff, Mayor, Bailiff, or other returning Officer shall admit any Person to be polled, without taking such Oath or Affirmation, if demanded, as aforesaid, such returning Officer shall forfeit the Sum of One hundred Pounds, to be recovered in manner aforesaid, together with full Costs of Suit; and that if any Person shall vote or poll at such Election, without having first taken the Oath, or, if a Quaker, having made his Affirmation as aforesaid, if demanded, such Person shall incur the same Penalty, which the Officer is subject to for the Offence above-mentioned.

Voters to incur the like Penalty.

Returning Officer, after reading the Writ, to take the following Oath.

Enacted, That every Sheriff, Mayor, Bailiff, Headborough, or other Person, being the returning Officer

Officer of any Member to serve in Parliament, shall, immediately after the reading the Writ or Precept for the Election of such Member, take and subscribe the following Oath, (which see in the Appendix.)

Which Oath any Justice or Justices of the Peace of the said County, City, Corporation, or Borough, where such Election shall be made, or, in his or their Absence, any Three of the Electors, are hereby required and authorized to administer; and such Oath so taken, shall be entred among the Records of the Sessions of such County, City, Corporation, and Borough, as aforesaid.

Enacted, &c. That if any returning Officer, Elector, or Person taking the Oath or Affirmation herein before mentioned, shall be guilty of wilful and corrupt Perjury, or of false affirming, and be thereof convicted by due Course of Law, shall incur and suffer the Pains and Penalties, which by Law are enacted or inflicted in Cases of wilful and corrupt Perjury.

Penalty of wilful Perjury.

Enacted, That all and every the Sheriffs, Mayors, Bailiffs, and other Officers, to whom the Execution of any Writ or Precept for electing

The Act to be read by the Sheriff, &c. after reading the Writ,

Great Britain.

electing any Member or Members to serve in Parliament shall belong or appertain, shall, and are hereby required, at the Time of such Election, immediately after the reading such Writ or Precept, read, or cause to be read, openly before the Electors there assembled, this present Act, and every Clause therein contained, and the same shall also openly be read once in every Year, at the General Quarter-Sessions of the Peace to be holden next after Easter, for any County or City, and at every Election of the Chief Magistrate in any Borough, Town-Corporate, or Cinque-Port, and at the annual Election of Magistrates, and Town Counsellors for every Borough within that Part of Great Britain called Scotland.

and at the
Quarter Sessions
after
Easter.

Wilful Offence
forfeits 50 l.

Enacted, &c. That every Sheriff, Under-Sheriff, Mayor, Bailiff, and other Officer, to whom the Execution of any Writ or Precept for the electing of Members to serve in Parliament doth belong, for every wilful Offence, contrary to this Act, shall forfeit the Sum of 50 l. to be recovered together with full Costs of Suit, in the manner before directed.

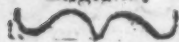
Provided, That no Person shall be made liable to any Incapacity, Disability, Forfeiture, or Penalty, by this Act laid or imposed, unless Prosecution be commenced within two Years after such Incapacity, Disability, Forfeiture, or Penalty shall be incurred, or in case of a Prosecution, the same be carried on without wilful Delay; any thing herein contained to the contrary notwithstanding.

Stat. 6 Geo. II. ch. 23.

Whereas by an Act passed 7 & 8 W. III. intituled, An Act for the further regulating Elections, &c. It was enacted, That the Sheriff of any County, upon the Election to be made of any Knight or Knights of the Shire, should proceed to Election at the next County-Court, unless the same should fall out to be held within Six Days after the Receipt of the Writ, or upon the same Day, and then should adjourn the said Court to some convenient Day, giving Ten Days Notice of the Time and Place of Election: And that all County-Courts held for the County of York, or any other County,

Preamble reciting the Act
7 & 8 W. III.

England.



ty-Courts, which were used to be held on a Monday, should from thenceforth be called and begun on a Wednesday: And whereas there was no expresse Provision to prevent the Adjournment of any County-Court to a Monday, whereby Doubts have arisen whether the same might not be adjourned to a Monday, which is declared by the said Act to be a very inconvenient Day to all the Suitors thereunto, which hath given Occasion to County-Courts being frequently adjourned over to a Monday, to the great Inconvenience of such Suitors, who at Elections for Knights of the Shire, and their Services at other times, are thereby obliged to travel on Sundays: And whereas there is no Provision made, with relation to not adjourning County-Courts to a Friday or Saturday, which is as inconvenient to all the Suitors as if the same were adjourned to a Monday; for Remedy whereof, be it enacted, That from and after

After 24 June, 1733. no County-Court whatsoever, held in England, shall be adjourned to a Monday, Friday, or Saturday, and that all and every such Adjournment and Adjournments,

After 24 June, 1733. no County-Court in England to be adjourned to a Monday, Friday or Saturday:

ments, and all and every Act and Deed done or performed at such Courts so adjourned, shall be deemed, adjudged, and taken to be utterly null and void, to all Intents and Purposes whatsoever, any Law, Custom, or Usage to the contrary thereof in any wise notwithstanding.

Provided nevertheless, That any County-Court begun, holden on, or adjourned to a Day not prohibited by this Act, or the said other recited Act, for electing any Knight or Knights of the Shire for any County, or for hearing and determining Causes, or such other Matters and Business, as are usually transacted at County-Courts within the Limits aforesaid, may be adjourned over from Day to Day, though the same may happen on a Monday, Friday or Saturday, until such Election, or such other Matters, as aforesaid, be fully finished and determined; any thing in this present Act contained to the contrary in any wise notwithstanding.

But County-Courts begun on any other Days, may be adjourned to those.

APPENDIX.

The Form of the Oath of Allegiance, appointed by Stat. 1 W. & M. cap. 1.

I *A. B.* do sincerely promise and swear, That I will be faithful, and bear true Allegiance to Their Majesties King *William* and Queen *Mary*,
So help me God.

The Form of the Oath of Supremacy, appointed by the same Stat.

I *A. B.* do swear, That I do from my Heart, abhor, detest, and abjure, as impious and heretical, that damnable Doctrine and Position, That *Princes excommunicated or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects or any other whatsoever.* And I do declare that no foreign Prince, Person, Prelate, State, or Potentate, hath, or ought to have any Jurisdiction, Power, Superiority, Pre-eminence, or Authority Ecclesiastical or Spiritual, within this Realm,

So help me God.

The

APPENDIX

The Form of the Declaration or Teste, appointed by Stat. 30 Car. II. cap. 1.

I *A. B.* do solemnly and sincerely, in the Presence of God, profess, testify, and declare, That I do believe that in the Sacrament of the Lord's Supper, there is not any Transubstantiation of the Elements of Bread and Wine into the Body and Blood of Christ, at or after the Consecration thereof by any Person whatsoever; and that the Invocation or Adoration of the Virgin *Mary*, or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of *Rome*, are superstitious and idolatrous; and I do solemnly in the Presence of God, profess, testify, and declare, That I do make this Declaration, and every Part thereof, in the plain and ordinary Sense of the Words read unto me, as they are commonly understood by *English* Protestants, without any Evasion, Equivocation, or Mental Reservation whatsoever, and without any Dispensation already granted me for this Purpose by the Pope or any other Authority or Person whatsoever, or without any hope of any such Dispensation from any Person or Authority whatsoever, or without thinking that I am or may be acquitted before God or Man, or absolved of this Declaration, or any Part thereof, although the Pope, or any other Person or Persons, or Power whatsoever, should dispense with or annul the same, or declare that it was null or void from the beginning.

The

A P P E N D I X

*The Form of the Abjuration, by Stat. 6 Anna,
cap. 7.*

I *A. B.* do truly and sincerely acknowledge, profess, testify, and declare in my Conscience, before God and the World, That our Sovereign Lady Queen *Anne* is lawful and rightful Queen of this Realm, and of all other Her Majesty's Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe in my Conscience, that the Person pretended to be Prince of *Wales*, during the Life of the late King *James*, and since his Decease, pretending to be, and taking upon himself the Stile and Title of King of *England*, by the Name of *James* the Third, hath not any Right or Title whatsoever to the Crown of this Realm, or any other the Dominions thereunto belonging: And I do renounce, refuse, and abjure any Allegiance or Obedience to him. And I do swear that I will bear Faith and true Allegiance to Her Majesty Queen *Anne*, and her will defend to utmost of my Power, against all Traiterous Conspiracies and Attempts whatsoever, which shall be made against Her Person, Crown, or Dignity, and I will do my utmost Endeavour to disclose and make known to Her Majesty, and Her Successors, all Treasons and Traiterous Conspiracies which I shall know to be against Her or any of them. And I do faithfully promise to the utmost of my Power, to support, maintain, and defend the Succession of the Crown

APPENDIX.

Crown against him the said *James*, and all other Persons whatsoever, as the same, by an Act intituled *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*; is and stands limited to the Princess *Sophia* Electress and Dutches Dowager of *Hanover*, and the Heirs of her Body, being Protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, Mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation, and Promise, heartily, willingly, and truly, upon the true Faith of a Christian,

So help me God.

The Form of the Free-holders Oath, to be taken (if required) on the Poll at Elections for Knights of the Shire, by Stat. 7 & 8 W. III. cap. 25.

You shall swear that you are a Free-holder for the County of *A.* and have Free-hold Lands or Hereditaments of the yearly Value of 40 s. lying at *B.* within the said County of *A.* and that you have not been before polled at this Election.

APPENDIX.

The Form of the Declaration of Fidelity, appointed to be subscribed by Quakers, by Stat. 1 W. & M. cap. 18.

I *A. B.* do sincerely promise and solemnly declare, before God and the World, that I will be true and faithful to King *William* and Queen *Mary*; and I do solemnly profess and declare, That I do from my Heart abhor, detest, and renounce, as impious and heretical, that damnable Doctrine and Position, *That Princes excommunicated, or deprived by the Pope, or any Authority of the See of Rome, may be deposed or murdered by their Subjects, or any other whatsoever.* And I do declare, that no foreign Prince, Person, Prelate, State, or Potentate, hath or ought to have, any Power, Jurisdiction, Superiority, Preeminence, or Authority Ecclesiastical or Spiritual, within this Realm.

The Form appointed by Stat. 7 & 8 W. III. cap. 34. in which the Effect of the Abjuration, and the Free-holders Oath is to be administered to Quakers.

I *A. B.* do declare in the Presence of Almighty God the Witness of the Truth of what I say.

APPENDIX.

The Formula appointed by Act of Parliament
made 8 & 9 Sess. W. III. in Scotland.

I *A. B.* do sincerely from my Heart profess and declare before God, who searcheth the Heart, that I do deny, disown, and abhor these Tenets and Doctrines of the Papal Romish Church, viz. The Supremacy of the Pope and Bishop of *Rome* over all Pastors of the Catholick Church; his Power and Authority over Kings, Princes, and States, and the Infallibility that he pretends to, either without, or with a general Council, his Power of dispensing and pardoning, the Doctrine of Transubstantiation, and the Corporal Presence, with the Communion without the Cup in the Sacrament of the Lord's Supper, the Adoration and Sacrifice professed and practised by the Popish Church in the Mass, the Invocation of Angels and Saints, the Worshipping of Images, Crosses, and Relicks, the Doctrine of Supererogation, Indulgences, and Purgatory, and the Service and Worship in an unknown Tongue: all which Tenets and Doctrines of the said Church I believe to be contrary to and inconsistent with the written Word of God; and I do from my Heart deny, disown, and disclaim the said Doctrines and Tenets of the Church of *Rome*, as in the Presence of God, without any Equivocation or Mental Reservation, but according to the known and plain Meaning of the Words, as to me offered and proposed,
So help me God.

APPENDIX.

*The Form of the Candidates Oath to be taken
(if required) by Stat. 9 Annæ.*

I *A. B.* do swear, That I truly, and *bonâ fide* have such an Estate in Law or Equity, to and for my own Use and Benefit, of or in Lands, Tenements, or Hereditaments (over and above what will satisfy and clear all Incumbrances that may affect the same) of the annual Value of Six hundred Pounds above Reprizes, as doth qualify me to be elected and returned to serve as a Member for the County of _____ according to the Tenor and true Meaning of the Act of Parliament in that Behalf; and that my said Lands, Tenements, or Hereditaments, are lying or being within the Parish, Township, or Precinct of _____
Or, in the several Parishes, Townships, or Precincts of _____ in the County of _____
Or, in the several Counties of _____
(as the Case may be)

The like Oath (*Mutatis Mutandis*) as to the Value of 300*l.* to be taken by Candidates for a City, Borough, &c.

*The Form of the Free-holders Oath to be taken
(if required) by Stat. 10 Annæ.*

You shall swear, That you are a Free-holder in the

APPENDIX.

the County of _____ and have Free-hold
Lands or Hereditaments lying or being at _____
in the County of _____ of the yearly Value
of Forty Shillings above all Charges payable out of
the same, and that such Free-hold Estate hath not
been made or granted to you fraudulently, on pur-
pose to qualify you to give your Vote ; and that the
Place of your Abode is at _____ in
and that you have not been polled before at this
Election.

N. B. The Free-holders Oath appointed by *Stat.*
7 & 8 W. III. ch. 25. is abrogated by the Sta-
tute that appoints this.

*The Form of the Free-holders, &c. Oath to be
taken (upon Objection made) by Stat. 12 Annæ.*

I *A. B.* do in the presence of God declare and
swear, That the Lands and Estates of _____
for which I claim to give my Vote in this E-
lection, are not conveyed to me in Trust, or for the
Behoof of any other Person whatsoever ; and I do
swear before God, That neither I, nor any Person
to my Knowledge, in my Name or by my Allow-
ance, hath given or intends to give, any Promise,
Obligation, Bond, Back-bond, or other Security
for redisponing or reconveying the said Lands and
Estate any manner of way whatsoever : And this is
the Truth, as I shall answer to God.

APPENDIX.

The Form of the Abjuration, as altered by Statute 4 Annæ, ch. 8. to be taken after the Demise of the said late Queen, and as the same is now to be taken.

I *A. B.* do truly and sincerely acknowledge, profess, testify, and declare in my Conscience, before God and the World, That our Sovereign Lord King *George* is lawful and rightful King of this Realm, and all other His Majesty's Dominions and Countries thereunto belonging. And I do solemnly and sincerely declare, That I do believe in my Conscience, that the Person pretended to be Prince of *Wales*, during the Life of the late King *James*, and since his Decease, pretending to be, and taking upon himself the Stile and Title of King of *England*, by the Name of *James* the Third, or of *Scotland*, by the Name of *James* the Eighth, or the Stile and Title of King of *Great Britain*, hath not any Right or Title whatsoever to the Crown of this Realm, or any other the Dominions thereto belonging: And I do renounce, refuse, and abjure any Allegiance or Obedience to him. And I do swear, That I will bear Faith and true Allegiance to His Majesty King *George*, and Him will defend to the utmost of my Power, against all Traiterous Conspiracies and Attempts whatsoever, which shall be made against His Person, Crown, or Dignity. And I will do my utmost Endeavour to disclose and make known to His Majesty and His Successors, all Treasons and Traiterous

APPENDIX.

Traiterous Conspiracies which I shall know to be against him or any of them. And I do faithfully promise, to the utmost of my Power, to support, maintain, and defend the Succession of the Crown against him the said *James*, and all other Persons whatsoever; which Succession, by an Act, intituled, *An Act for the further Limitation of the Crown, and better securing the Rights and Liberties of the Subject*, is and stands limited to the Princess *Sophia*, Electress and Dutchess Dowager of *Hanover*, and the Heirs of Her Body, being Protestants. And all these things I do plainly and sincerely acknowledge and swear, according to these express Words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, Mental Evasion, or secret Reservation whatsoever. And I do make this Recognition, Acknowledgment, Abjuration, Renunciation, and Promise, heartily, willingly, and truly, upon the true Faith of a Christian:

So help me God.

The Free-holders Oath, to be taken by 2 Geo. II.

I *A. B.* do swear (or, being one of the People called Quakers, I *A. B.* do solemnly affirm) I have not received, or had by my self, or any Person whatsoever in Trust for me, or for my Use and Benefit, directly or indirectly, any Sum or Sums of Money, Office, Place, or Employment, Gift, or Reward, or any Promise or Security for any Money, Office,

APPENDIX.

Employment, or Gift, in order to give my Vote at this Election, and that I have not before been polled at this Election.

The Oath of the Returning Officer, required to be taken by 2 Geo. II.

I *A. B.* do solemnly swear, That I have not, directly nor indirectly, received any Sum or Sums of Money, Office, Place, or Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promise or Gratuity whatsoever, either by my self, or any other Person to my Use, or Benefit, or Advantage, for making any Return at the present Election of Members to serve in Parliament; and that I will return such Person or Persons, as shall, to the best of my Judgment, appear to me to have the Majority of legal Votes.



THE

THE INDEX.

A *Bjuration Oath*, Persons refusing to take it, excluded from voting, 20. altered, *ibid.*

Agent to a Regiment incapable of being elected, 6.

Allegiance, Oath of, to be taken by each member before the Lord Steward, or his Deputy, 42, 43. abrogated, and a new one appointed, 43, 47.

Army, the Comptroller of the Accounts thereof incapable of being elected, 65.

Assurance of Ships, no Governor, Director, or other Officer thereof, capable of being elected, 79.

Bailiffs, Penalty for making false Returns, 36, 87. See Returns.

Bank, Members thereof, not disqualified, 65, 78.

Burgesses to be elected by Burgesses, 5, 35. to reside in and be free of the Boroughs they represent, 34.

Burghs Royal in Scotland how to choose their Representatives, 15. Writs how to be issued, 104, 105, 106, 107. Publick Intimations to be given at the Parish Churches

Three Days before the Diet of Elections, 112.

Bute and Caithness to choose alternately, 14.

Candidates to be sworn to their Estates, if required, by two Electors, 21, 73. On Refusal, their Election void, *ibid.* may nominate Persons to inspect the Poll, 55. Poll not to be adjourned without their Consent, 56. may require the chief Officer in the Poll to administer the Oaths, 58, 70. Candidates Oath to be certified into the Chancery or Queen's Bench within Three Months, on Penalty of 100 *l.* 109. Fees to be taken for making and filing, 112.

Chester, the County to elect two Knights, 7. the City two Burgesses, *ibid.* who are to have the same Privileges as others, 40. Writs of Elections to be directed to the Chamberlain of *Chester*, and his Precept thereon to the Sheriff of the County, 89.

Cinque Ports to enjoy all their Liberties and Customs, 1. Lord Warden's Claim to nominate one of the Barons of each *Cinque Port*, and

APPENDIX.

Employment, or Gift, in order to give my Vote at this Election, and that I have not before been polled at this Election.

The Oath of the Returning Officer, required to be taken by 2 Geo. II.

I *A. B.* do solemnly swear, That I have not, directly nor indirectly, received any Sum or Sums of Money, Office, Place, or Employment, Gratuity, or Reward, or any Bond, Bill, or Note, or any Promise or Gratuity whatsoever, either by my self, or any other Person to my Use, or Benefit, or Advantage, for making any Return at the present Election of Members to serve in Parliament; and that I will return such Person or Persons, as shall, to the best of my Judgment, appear to me to have the Majority of legal Votes.



THE

THE INDEX.

A *Bjuration Oath*, Persons refusing to take it, excluded from voting, 20. altered, *ibid*.

Agent to a Regiment incapable of being elected, 6.

Allegiance, Oath of, to be taken by each member before the Lord Steward, or his Deputy, 42, 43. abrogated, and a new one appointed, 43, 47.

Army, the Comptroller of the Accounts thereof incapable of being elected, 65.

Assurance of Ships, no Governor, Director, or other Officer thereof, capable of being elected, 79.

Bailiffs, Penalty for making false Returns, 36, 87. *See* Returns.

Bank, Members thereof, not disqualified, 65, 78.

Burgesses to be elected by Burgesses, 5, 35. to reside in and be free of the Boroughs they represent, 34.

Burghs Royal in Scotland how to choose their Representatives, 15. Writs how to be issued, 104, 105, 106, 107. Publick Intimations to be given at the Parish Churches

Three Days before the Diet of Elections, 112.

Bute and Caithness to choose alternately, 14.

Candidates to be sworn to their Estates, if required, by two Electors, 21, 73. On Refusal, their Election void, *ibid* may nominate Persons to inspect the Poll, 55. Poll not to be adjourned without their Consent, 56. may require the chief Officer in the Poll to administer the Oaths, 58, 70. Candidates Oath to be certified into the Chancery or Queen's Bench within Three Months, on Penalty of 100 *l*. 109. Fees to be taken for making and filing, 112.

Chester, the County to elect two Knights, 7. the City two Burgesses, *ibid*. who are to have the same Privileges as others, 40. Writs of Elections to be directed to the Chamberlain of *Chester*, and his Precept thereon to the Sheriff of the County, 89.

Cinque Ports to enjoy all their Liberties and Customs, 1. Lord Warden's Claim to nominate one of the Barons of each *Cinque Port*, and

The INDEX.

and their Members, declared to be contrary to Law, and void, 9. Proper Officers of the *Cinque Ports* allowed six Days from the Receipt of the Writ for the Delivery thereof, 96

Cities and Towns to enjoy their ancient Liberties, 1.

Citizens to be elected by Citizens, 5, 35. to reside in and be free of the Cities they represent, 34 to have 300*l.* per Ann. 72

Clackmannan and *Kinross* how to choose their Representatives, 15

Claim of Right, 9, 48

Clerk of the Crown to keep a Book of Entry of all Returns, 54 and of all alterations made therein, *ibid.*

Clergy to have their old Liberties and Customs, 2.

Commissioners in *Scotland* how to be chosen, 15, 27, 28, 104, 105, 106, 107. Intimation to be given in the Churches 3 days before the Election, 112

Commissioners and Subcommissioners of the Prizes incapable of being chosen, 65. No greater Number of Commissioners to be made for executing any Office than were employed from the first Day of Sessions, 66. of the Excise incapable of being elected, 10 not to meddle with Elections on Penalty of 100 *l.* *ibid.* Like Penalty on Com. of Customs, 14. of the Sick and wounded incapacitated, 65

Comptroller of the Accounts of the Army incapable of being elected, 65.

Contracts to procure a Return declared void, 53, 93, 94.

Conveyances of Messuages, Lands, or Tenements, in order to multiply Votes, declared void, 12. Collusive Conveyances of Estates to

qualify Persons to vote for Knights of the Shire, made absolute, 22. The Maker, Adviser, and Voter, to forfeit 40 *l.* with full Costs, *ibid.* No Conveyances, whereof Infeoffment is not taken, and Seizin registered, a Year before the *Teste* of the Writs, to intitle a person to vote, 26, 27, 28

County Courts to be held where they have been most usually kept for forty Years last past, 97. to be kept on a *Wednesday*, 101.

Cromarty and *Nairn* how to choose their Representatives, 13.

Crown, the Act for Limitation thereof, 63.

Custom-house Officers not to interfere in Elections on Penalty of 100 *l.* and Incapacity of enjoying any Place of Trust under the Crown, 13, 14.

Declaration of Fidelity to be subscribed by Quakers, *Append.*

Durham, the County to elect two Knights, and the City two Burgesses, 8 who are to enjoy the same Privileges as others, 40. Writs for Election in *Durham* to be directed to the Bishop thereof, and he to send his Precept to the Sheriff, 92. Sheriff of *Durham* to make like Returns, and under like Pains, as other Sheriffs, 93.

Edinburgh to choose one Representative, 15, 95. The manner of Election, 28, 40, 104, 106, 107.

Elections of Parliament men how to be made, 2, 3, 19, 20, 95.

Presents and Entertainments at Elections forbidden, 50, 51.

Electors to attend at Elections according to the Proclamation in the County Court, 3. to seal an Indenture of the Persons chosen, *ibid.* to be resident in the same Shires at the Date of the Writ

The INDEX.

Writ, *ibid.* 4. to have 40 s. *per Ann.* in Land, 4, 23. Penalty on taking a false Oath, 11. to be at least 21 Years of age, 12. to take the Oaths of Allegiance and Supremacy, *ibid.* Penalty on Conviction of Perjury, 24 taking Money or Reward for their Votes to forfeit 500 l. and disabled to vote in future Elections, 30. Offenders within 12 Months discovering others, indemnified, 31. Presuming to vote before sworn, to forfeit 100 l. 114.

Excise Officers not to intermeddle with Elections, on Penalty of 100 l. and Incapacity of enjoying any Place of Trust under the Crown, 10, 11.

Formula, such as refuse to swear and subscribe thereto excluded from voting, 17. The Form thereof, *Append.*

Freeholders to be sworn before admitted to poll, 11, 99 Penalty on wilful Perjury, 11, 24, 115.

Freeholder's Oath, *Append.*

Heir apparent of a Peer, or Person qualified to serve as a Knight of a Shire, may be elected, notwithstanding his estate doth not amount to the Sum prefixed for others, 72.

One House or Tenement to have but one Voice, 12.

Incapacity of Electors, 17, 20, 21, 22, 23, 27, 108.

Incapacity of Members elected, 43, 44, 45, 46, 57, 59, 60, 61, 62, 63, 65, 66, 68, 69, 74, 75, 77.

Indentures of Return to be sealed by the Sheriff and Electors, 4.

Kinross and *Clackmannan* how to choose their Representatives, 15.

Knights of the Shire how to be elected, 3, 4, 34, 35, 36, 95, 110. to be elected of such only who reside

within the Counties they are chosen for after the Date of the Writ, 34. to have the Majority of those who can expend 40 s. a Year, 35. not to be absent from Parliament without leave of the House of Commons, 38, 39. to take the Oaths before they sit in the house, 41, 76. to have 600 l. *per Ann.* 72.

London to enjoy its ancient Liberties, 1.

Mayors, Penalty on them for false Returns, 87. *See Returns.*

Members of the House of Commons not to sit or vote till they have taken the Oaths, 43, 44, 45, 46, 47, 76. not to be concerned in the Duties granted by the Parliament, 49. may be Members of the Bank, 65, 78. not to be elected under 21 Years of Age, 57. not to execute any Office in the Excise, 59. nor in the Customs, 60. executing any such Office while a Member, incapacitated to sit or vote, 61. accepting any Place of Profit under the Crown, their election void, but capable of being rechosen, 65. Members being Officers in the Navy or Army, receiving any new Commissions, not incapacitated, 66. Penalty on presuming to sit when incapacitated, 67.

Monmouthshire to elect two Knights of the Shire to serve in Parliament, 6, 39. and one Burgefs for the Borough, *ibid.* how the Electors are to be summoned, 90.

Mortgagees not allowed to vote unless in actual Possession, 11, 73.

Mortgagers in Possession may give their Vote, 12.

Nairn how to choose its Representatives, 15.

Navy, Commissioners thereof employed

The INDEX.

employed in any of the out-ports incapacitated, 65.

Oath to be taken by Freeholders before they poll, *Append.*

Oaths to be taken by the Members elected before they sit or vote, 41, 42, 43. The former Oaths abrogated, and new ones appointed, 43, 44, 45, 46, 47. Candidates Oath to be certified into the Chancery or Queen's Bench within 3 Months, on Penalty of 100 l. 109. Fees to be paid for making and filing, 110. The Oath of the Returning Officer, *Append.*

Pensions during Pleasure, Persons enjoying them incapacitated, 65, 77. Penalty of such Persons presuming to sit 20 l. *per* Day, 78.

Perjury in Elections how to be punished, 11, 24, 116. Persons convicted thereof never after capable to vote, *ibid.*

Plantations, Governors or Deputy Governors thereof incapacitated, 65.

Poll, Candidates may appoint Inspectors thereof, 55. not to be adjourned or discontinued without their Consent, 56. Any Person may demand a Copy thereof on payment of reasonable Fees, *ibid.* 100. Penalty on Officer refusing to grant a Copy, 57, 101. Each Freeholder's Name and the Place of his Freehold to be taken on Oath, 99. How to be taken for the Representatives of *Scotland*, 14, 15, 16, 17, 18, 104, 105, 106, 107.

Prizes, Commissioners, Subcommissioners, Receivers, incapacitated, 65.

Proclamation of Elections to be made in the full County, 3, 81.

Quakers to subscribe the Decla-

ration of Fidelity before they vote, 12, 13. If convicted of affirming what would have been Perjury by the usual Form, to incur the Penalties of wilful and corrupt Perjury, 25.

Qualifications, Knights of the Shire to have 600 l. *per* Ann. and Citizens or Burgeses 300 l. 72.

Regiments, Agents thereto incapacitated, 65.

Returning Officer to take no Fee, 98. to appoint Inspectors of the Poll, 99. not to adjourn the Poll without Consent of the Candidates, 100. to grant a Copy of the Poll, *ibid.* to administer the Oaths to Voters, 102, 109, 110, 111, 112. Penalty on admitting Persons to poll before sworn, 114. to take an Oath, *ibid.* Penalty on wilful Offence, 50 l. 116.

Returning Officer's Oath, *Ap.*

Returns how to be made, 3, 4, 82. Penalty on Sheriffs and others making undue Returns, 36. Penalty on putting out the Person returned, 37. Double Returns, 53, 93, 104. False Returns, 92, 93, 104. Penalty, 94, 104. Contracts to procure Returns void, 53.

Scotland to send forty five Representatives, 14, 15. Infeoffment there necessary to qualify Voters, 27, 28. Writs how to be issued, 104, 105, 106, 107. *Preses* of the Meeting on request of any Elector to swear either Elector or Candidate, 112. Publick Intimation to be made at the Parish Churches within their Jurisdictions 3 Days before the Diet of Elections, 112. Presiding Officer to administer the Oath or Affirmation on Penalty of 50 l. 113.

Sheriff's Return of Knights for the Shire, 3, 52, 80, 81, 103. to direct

The INDEX.

direct his Precept for choosing Citizens and Burgeſſes, 5 to adminiſter the Oaths to Electors, 13, 83. Penalty on Sheriffs making undue Returns, 36, 82, 85. ſhall have their Traverſes to Inqueits, 82, 83. after a Receipt of a Writ of Election to deliver a Precept under his Seal to the Mayors, and Bailiffs, within his County to chooſe Citizens and Burgeſſes, 84. How the Precepts are to be returned, *ibid.* 85, 86, 87, 88, 104. to take no Fee for making out Receipt, Delivery, Return or Execution of ſuch Writ or Precept, 97. to hold his County Court where the ſame has been moſt uſually kept for forty Years laſt, *ibid.* to give ten Days Notice of the Time and Place of Election, 98. to appoint one Perſon nominated by each Candidate to inſpect the Poll, 99. to adminiſter the Oaths to Electors, 102. to enter the place of the Elector's Freehold, his Abode, and *Quarant* againſt the Name of each Voter, 110. to deliver the Poll Books to the Clerk of the Peace within 20 Days after the Election, 111. to enter *Affirmat* againſt the name of each Quaker who giveth his vote, *ibid.* to adminiſter the Oath or Affirmation on forfeiture of 50 *l.* 113. admitting any to be polled before ſworn, to forfeit 100 *l.* 114. Sick and wounded, the Commiſſioners of them incapacitated, 65. *Southampton*, Elections there how to be made, 58, 102. *South Sea Company*, Members thereof not incapacitated, 79.

except the late Governor and Directors, *ibid.*

Summons, Perſons ſummoned to Parliament to give due Attendance, 33. Penalty on Neglect, 34.

Supremacy, Oath of, to be taken by each Member before the Lord Steward or his Deputies, 41. abrogated, and a new one appointed, *ibid.* 47. The Form thereof, *Append.*

Tallage not to be levied but by conſent of Parliament, 3, 33.

Taxes, Lands not aſſeſſed proportionably to the Publick Taxes to have no vote, 23. Penalty on voting 40 *l.* *ibid.*

One *Tenement* to have but one Vote, 12.

Teſt to be ſubſcribed by the Members before they ſit, 43. and as often as the Houſe ſhall think fit, 45. Penalty on Refuſal, 46. The Form thereof, *Ab.*

Transports, Commiſſioners thereof incapacitated, 65.

Trustees not allowed to vote unleſs in aſſual Poſſeſſion, 11.

Union Act, 14.

Universities may elect their Members as formerly, 73.

Votes deemed legal, 29.

Wadſets, 27.

Wales united to *England*, and to enjoy all Privileges as ſuch, 5.

39. Every County and Shire Town there, except *Merioneth*, to elect one Knight and one Burgeſs, *ibid.*

Wine Licences, Commiſſioners thereof incapacitated, 65.

Writs of Parliament, the new Clause to be inſerted therein, 81. for *Cheſter* how to be directed, 89. for

The INDEX.

for *Durham*, 91. To have forty Days between the *Teste* and Return, 95. to be delivered to the proper Officer to whom its Execution belongs, and be indorsed by him, *ibid.* Writs for *Scotland*, 104, 105, 106.

Tork, the Register for the *West Riding* there incapable to be chosen a Member of Parliament, 64. The Register of the *East Riding* and his Deputy also incapable, 71. County Courts there to be held on a *Wednesday* 101.



An
t
t
m
B
f
t
f
C
la
v
of



turns

(1) *It with preceding II/Ky*
K

Anno Septimo

GEORGI II. Regis.

An ACT for the better regulating the Election of Members to serve in the House of Commons, for that Part of Great Britain called Scotland; and for incapacitating the Judges of the Court of Session, Court of Justiciary, and Barons of the Court of Exchequer in Scotland, to be elected, or to sit or vote as Members of the House of Commons.



WHEREAS Doubts may arise, Whether the Acts of Parliaments made in *England* for preventing false and undue Returns of Members to serve in Parliament, extend

extend to that Part of *Great Britain* called *Scotland*: **And whereas** several Questions have arisen concerning the Election of Commoners to serve in Parliament for that Part of *Great Britain*: **Therefore** to obviate such Doubts, Disputes, and Questions for the future, and for the more effectually preventing Returning Officers, in that Part of *Great Britain* called *Scotland*, making false and undue Returns: May it please Your Majesty that it may be enacted, and **be it enacted by the King's most Excellent Majesty**, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if the Clerk of any Meeting of Freeholders for the Election of a Commissioner, to serve in Parliament for any Shire or Stewartry in *Scotland*, after the first Day of May, One thousand seven hundred and thirty four, shall wilfully return to the Sheriff or Stewart any Person, other than him who shall be duly elected, or if any other Person pretending to be Clerk, though not duly elected, shall presume to act as Clerk, and wilfully to return to the Sheriff any Person as elected, who shall not be duly elected by the major Part of such Meeting, the Party so offending shall for every such Of-

After 1 May,
1734. 500 l.
Penalty on every
false Return.



ence forfeit the Sum of Five hundred Pounds Sterling, to be recovered by the Candidate so elected, to whose Prejudice such false Return is made, in such Manner as is herein after directed.

And be it further enacted, That every Freeholder who shall claim to vote at any Election of a Member to serve in Parliament for any Lands or Estate in any County or Stewarty in Scotland, who shall have Right to vote in adjusting the Rolls of Freeholders, instead of the Oath appointed to be taken by an Act made in the Twelfth Year of Her late Majesty Queen Anne, intituled, *An Act for the better regulating Elections of Members to serve in Parliament for that Part of Great Britain called Scotland*, shall, upon the Request of any Freeholder formerly inrolled, before he proceed to vote in the Choice of a Member, or on adjusting the Rolls, take and subscribe, upon a Roll of Parchment to be provided and kept by the Sheriff or Stewart Clerk for that Purpose, the Oath following, which the *Præses* or Clerk to the Meeting, either for the Inrollment or Election, is hereby impowered and required to administer; that is to say,

I A. B. do in the Presence of God declare and swear, That the Lands and Estate for which I claim a

K

Right

Freeholders, on Request, to subscribe the following Oath, instead of that appointed by the Act 12 Anne.

Right to vote in the Election of a Member or a
 to serve in Parliament for this County with
 Stewartry, is actually in my Possession, and
 do really and truly belong to me, and is my
 own proper Estate, and is not conveyed to
 me in Trust, or for or in behalf of any other
 Person whatsoever; and that neither I, nor
 any Person to my Knowledge, in my Name,
 or on my Account, or by my Allowance,
 hath given, or intends to give, any Promise,
 Obligation, Bond, Back-Bond, or other Se-
 curity whatsoever, other than appears from
 the Tenour and Contents of the Title, upon
 which I now claim a Right to vote, direct-
 ly or indirectly, for redispensing or recon-
 veying the said Lands and Estate in any
 manner of way whatsoever, or for making
 the Rents or Profits thereof forthcoming to
 the Use or Benefit of the Person from whom
 I have acquired the said Estate, or any o-
 ther Person whatsoever; and that my Title
 to the said Lands and Estate is not nominal
 or fictitious, created or reserved in me, in
 order to enable me to vote for a Member
 to serve in Parliament; but that the same
 is a true and real Estate in me, for my
 own Use and Benefit, and for the Use of
 other Person whatsoever; and that is the
 Truth, as I shall answer to God.

In case of Re-
 fusal, Vote not
 to be admitted,

And that in Case he shall refuse, if re-
 quired, to take and subscribe the Oath a-
 foresaid, his Vote shall not be admitted

or allowed, and his Name shall forth-
 with be erased out of the Roll of Freehold-
 ers; and in Case any Person shall presume
 wilfully and falsely to swear and subscribe
 the said Oath, and shall be thereof lawfully
 convicted, he shall incur the Pains
 and Punishment of Perjury, and be pro-
 secuted for the same according to the Laws
 and Forms in use in *Scotland*.

And be it further enacted, That no
 Judge of the Court of Session, or Justiciary,
 or Baron of the Court of Exchequer in *Scot-*
land, shall be capable of being elected, or
 of sitting or voting as a Member of the
 House of Commons in any Parliament
 which shall be hereafter summoned and
 holden.

And be it further enacted by the Au-
 thority aforesaid, That the several She-
 riffs and Stewarts in *Scotland* shall, with-
 in the Space of four Days after the Writ
 shall come to their Hand, issue their Pre-
 cepts to the several Boroughs within their
 Jurisdiction to elect their Delegates, and
 shall cause the same to be delivered to the
 Chief Magistrate of such Borough residing
 in the Borough for the time being; and
 that such Chief Magistrate, to whom such
 Precept shall be delivered, shall, within
 Two Days after his Receipt of the same,
 call and summon the Council of the Bo-
 rough together, by giving Notice person-
 ally,

and Name e-
 rased out of
 the Roll.

Penalty on
 falsely swear-
 ing or subscrib-
 ing.

Judges of Ses-
 sion, Justiciary,
 or Exchequer
 incapable to
 be elected.

Sheriffs, 4 Days
 after Receipt
 of the Writs, to
 issue Precepts
 for choosing
 Delegates.

And chief Ma-
 gistrate 2 Days
 after to sum-
 mon the Coun-
 cil of the Bo-
 rough.

Council to ap-
point a Day for
electing Dele-
gates.

ally, or leaving Notice at the dwelling
Place of every Councillor then residing in
such Borough, which Council shall then
appoint a peremptory Day for the Election
of the Delegate; but Two free Days shall
intervene betwixt the Meeting of the
Council which appoints the Day of Electi-
on of the Delegate, and the Day on which
the Election of the Delegate is to be
made.

100 l. Penalty
on every Coun-
cillor or Ma-
gistrate sepa-
rating from the
Majority at the
annual Electi-
on for Bo-
roughs.

And to prevent double Elections of
Magistrates in Boroughs, which frequent-
ly occasion double Commissions to Dele-
gates, be it enacted by the Authority
aforesaid, That at the annual Election of
Magistrates and Councillors for Boroughs,
no Magistrate or Councillors, or any
Number of Magistrates or Councillors,
shall, for the future, upon any Pretence
whatever, take upon him or them to se-
parate from the Majority of the Magistrates
and Councillors, who have been such for
the Year preceding, and to appoint or
elect separate Magistrates or Councillors,
but shall submit to the Election made, and
to the Magistrates and Councillors elect-
ed and appointed by the Majority of the
Town Council assembled; and if, contrary
to the Direction of this Act, any Num-
ber of Magistrates or Councillors shall, in
Opposition to the Majority, take upon
them to make a distinct and separate E-
lection

lection of Magistrates or Councillors, their
Act and Election shall be *ipso facto* void,
and every Magistrate or Councillor, who
concurred therein, shall forfeit and lose
the Sum of One hundred Pounds Sterling,
to be recovered by the Magistrates and
Councillors, from whom they separated,
in Manner herein after directed.

Provided always, and it is hereby
declared and enacted, That it shall and
may be lawful to and for any Magistrate
or Councillor of the Borough, who ap-
prehends any Wrong was done at any
annual Election, to bring his Action be-
fore the Court of Session in *Scotland* for
rectifying such Abuse, or for making
void the whole Election (if illegal) only
within the Space of Eight Weeks after such
Election is over; and the Lords of Session
shall and they are hereby expressly authoriz-
ed and required to hear and determine the
Cause summarily, and to allow to the Party
that shall prevail their full Costs of Suit.

And be it further enacted, That
every Sheriff or Stewart in *Scotland*, who
shall wilfully annex to the Writ any false or
undue Return, and every common Clerk of
any presiding Borough, who shall wilfully
return to the Sheriff or Stewart any Person,
other than the Person elected, or who shall
neglect or refuse to return the Person duly
elected, shall forfeit the Sum of Five hun-
dred

Magistrates or
Councillors of
Boroughs may
bring their
Action in 8
Weeks after
the Election.

500 l. Penalty
on neglecting
to return the
Person duly e-
lected.

To be recovered in a summary Way.

Complaints of undue Returns to be commenced in 6 Months after Return.

Who may sue for such Penalty.

dred Pounds Sterling to the Person intituled to have been returned, and not returned, to be recovered from the said Sheriff, Steward, or Common Clerk, their Heirs, Executors, or Administrators respectively, in a summary Way, by Action, Petition, or summary Complaint, before the said Court of Session, upon Service of such Summons, or of a Copy of such Petition, or summary Complaint, on fifteen Days Notice or Warning, without abiding the Course of any Rolls, or further Delay whatsoever; which Action, Petition, or Complaint, the Judges of the said Court are hereby required to judge of, and determine with all convenient speed; **Provided always,** That such Action, Petition, or Complaint be commenced, presented, or made within the space of Six Months after the Return is made; and in Case the Person duly elected, and not returned, shall neglect or omit to sue for the said Penalty within the time before mentioned, then any Freeholder within the Shire or Stewartry, or any Magistrate or Person bearing Office in any of the Boroughs of the District for which the Return is unduly made, may sue for and recover the same to his own Use, by such Action, Petition, or Complaint, and in such Manner, as is before mentioned, with double Costs of Suit, **Provided always,** That such Freeholder, Magistrate, or Person bearing Office, shall commence

commence or bring such Action within and in what
the space of Twelve Months after the Time.
Return is made.

And be it enacted by the Authority a^{Penalties how}
foresaid, That every Penalty by this Act im-^{posed, with respect to the Recovery of which}
posed, with respect to the Recovery of which
no particular Provision is herein before
made, shall and may be sued for and reco-
vered by way of summary Complaint be-
fore the Court of Session in *Scotland*, upon
Fifteen Days Notice to the Person com-
plained of, without abiding the Course of
any Roll; which said Complaint the Court
of Session is hereby authorized and re-
quired to determine with all convenient
Speed.

And be it further enacted, That Freeholders, if
every Freeholder in *Scotland* shall, before^{required, to}
he be either inrolled or admitted to vote^{take the Oaths,}
at any future Election, or Meeting for^{at the Electi-}
Inrollment, in any Question for the Choice^{on, of a Clerk,}
of Clerk or *Praeses*, or other Question^{&c.}
whatsoever (if required by any Freehold-
er present) be obliged to take and sub-
scribe the Oaths appointed by Law to be
taken by Electors of Members to serve
in Parliament, when required so to do;
which Oath the *Praeses* or Clerk of the
Meeting is hereby impowered and requi-
red to administer.

And

Method of Pre-
siding at Elect-
ions.

And whereas there have been some Mistakes in the District of the Boroughs of *Wigtoun, Whitborn, New Galloway, and Stranraer*, in relation to their presiding at Elections of Members of Parliament for that District, which may occasion Disputes at future Elections; for remedying thereof, **Be it enacted**, That the Boroughs continue to preside in the Course they are now in, and that the Borough of *Wigtoun* shall preside at the Election of a Member to represent that District in the next Parliament, and that the other Boroughs of the District preside afterwards in the Method prescribed by the Act of Parliament of *Scotland*, made in the Fourth Session of the First Parliament of *Queen Anne*, intituled, *An Act for settling the Manner of electing the Sixteen Peers, and Forty Five Commoners, to represent Scotland in the Parliament of Great Britain.*